

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 28, 2014 3:35 PM
To: waltestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 1/28/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: I strongly support this bill. The community has been ignored by the HCDA, which seems to let developers ride roughshod over the process and the creation of a vibrant livable community. If only the HCDA followed the procedures of the City and County of Honolulu, if only it held public hearings in the evenings and on weekends when those interested in testifying would be able to attend, it only it would hold more than one real public hearing on a topic (it holds supplemental meetings but only staff are present). I don't know if the HCDA is son of, mother of, or some stanic relative of the now defunct PLDC, but it must be reformed and this bill is an important first step. lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 531-4260

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 30, 2014 8:40 AM
To: waltestimony
Cc: georgeandmary@mac.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 1/30/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
George Outlaw	Individual	Support	No

Comments: The HCDA has acted without regard to the prior agreed Mauka/Maki plans which were developed with the community since 2005. They insult the citizens, disregard the legislatures repeated requests to hold hearing at a time residents can participate.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 01, 2014 9:53 AM
To: waltestimony
Cc: hiromiinhawaii@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/1/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hiromi Saito	Individual	Comments Only	No

Comments: I support HB 1861 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns.

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HB 1861 (very similar to HB 1860)

I support HB 1861 because:

* If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision.

*HCDA should be more transparent and responsive to community concerns.

*HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects.

*Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.)

* There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863).

* I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

I support HB 1861 because:

* If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision.

*HCDA should be more transparent and responsive to community concerns.

*HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects.

*Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.)

* There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863).

* I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

Respectfully,

Dr. Gerry Fujii

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 02, 2014 7:56 PM
To: waltestimony
Cc: rontthi@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/2/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Taniguchi, Pharm.D.	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 11:22 AM
To: waltestimony
Cc: rkorph@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/3/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Okamura	Individual	Support	Yes

Comments: Kakaako is need of an elementary school. Before any more residential projects are approved, the legislature should direct the DOE to submit a plan for educating our keikis in the Kakaako community. In my most recent encounter with HCDA, the agency was not receptive to community concerns and was more interested in what the developer had to say about their project. At the two public hearings I attended, the developers were seated in the same area of the board members. It appears like they were given the same prominence as the board. It made me feel like I was not welcomed at the hearing.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 2:45 PM
To: waltestimony
Cc: grant5301@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/3/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
G	Individual	Support	No

Comments: I am in support of HB1861 because HCDA should be more transparent and respond to the people. It should NOT be an extension of the government. INFRASTRUCTURE BEFORE DEVELOPMENT. I agree Kaka'ako is prime for development, but it needs to be FIRST supported by schools and utilities. Just think about that first, because hurried development in a short amount of time can cause backfire.

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Kareen H. Tanoue
1009 Kapiolani Boulevard, Apartment 1708
Honolulu, Hawaii 96814

To: The Hawaii State Legislature
Regarding: HB1861

February 3, 2014

I support HB 1861 because I believe that:

1. If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision.
2. The HCDA has been moving swiftly and irresponsibly with the development of the Kakaako neighborhood and by the time the community hears of projects, they are either already approved by the HCDA or they are only given a short time to express concerns or opposition. The HCDA should be more transparent and responsive to community concerns.
3. The HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects.
4. Developers of condos should be **REQUIRED** to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, schools, parks, and other infrastructure requirements needed for the additional number of residents. Access to emergency services should be evaluated as well. If any infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) If all the projects on the TOD plan go through to completion, we will be left with major problems with our already overloaded sewer system, traffic and schools. It will be left to the City and us, taxpayers, to fix the problems.
5. There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, similar to the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863).
6. I would also recommend a minimum distance of 300 feet between buildings that are more than 100 feet tall (also per my testimony for HB 1863).

I thank you for hearing and considering my concerns.

Regards,
Kareen H. Tanoue

To: **House Committee on Water & Land**

Saturday, February 8, 2014, 8:30AM

Chair: Cindy Evans

Vice-Chair: Nicole Lowen

HB1861

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Testimony in SUPPORT – James Nelson

Chair Evans, Vice-Chair Lowen and members of the committee:

I am James Nelson, a resident of Kakaako mauka, and I testify in support of the measure.

I realize that certain provisions in the measure as drafted may be very problematic to implement or enforce. Even so, the time has come for a serious discussion concerning HCDA's apparent inability to remember that the "C" in their name stands for "Community." Communities are not created merely by constructing canyons of high-rise residential towers with thousands of private parking stalls. Communities require local schools, local day-care and senior centers, local supermarkets and drugstores, doctors' and dentists' offices and urgent care facilities, cleaners and shoe repair shops and many other functional and utilitarian enterprises and structures. To my knowledge, HCDA has announced no plans whatsoever to attract, encourage or integrate such particularized utilitarian facilities or enterprises in their plans.

I draw the committee's attention to HRS §206E-33, which is included in Section 6 (page 9) of HB1861 with proposed new language. If HCDA had actually followed the existing legal mandate of this HRS section, in particular subsections (1), (3), (4), (6), and (8), the provisions in this measure, and the proposed new language to this section itself arguably would not be necessary. Indeed, the need for today's hearing probably would not have arisen.

Alas, there is no one to oversee HCDA other than its board, which has clearly shown that it fails to understand what the "C" stands for. Therefore HCDA, a creature of the state legislature, now needs to be reined in by the legislature. Statutory mandates of greater detail have become necessary, such as those included in this measure.

On a final note, it is not at all clear why this measure has a referral to the Committee on Finance. It seeks no appropriation, nor does it strip HCDA of any funding or cost HCDA any money other than what most agencies must absorb when they are asked to adjust to public input and interaction. Assuming that this committee passes this measure in some form resembling its current draft, I strongly urge House Majority leadership to encourage the chair of the Committee on Finance to consider waiving the FIN referral on this measure, so that it may proceed to third reading and cross over to the Senate.

Thank you for your consideration and for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 8:02 AM
To: waltestimony
Cc: douglasvalenta@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
douglas valenta	Individual	Support	No

Comments:

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From: Shannon Clancey <fanceyclancey@icloud.com>
Sent: Tuesday, February 04, 2014 8:50 AM
To: waltestimony
Subject: In Support of HB 1860, HB 1861, HB 1866, HB 1867

Dont build on Kakaako! ocean front is made for the community to enjoy, NOT THE WEALTHY FEW WHO DONT EVEN LIVE IN hawaii! Include: House Committee on Water & Land February 8, 2014 @ 8:30 am Room 325 Your comments and your name

Sent from my iPhone



TO: Rep. Cindy Evans, Chair
Rep. Nicole E. Lowen, Vice Chair
Committee on Water & Land

FROM: Kiersten Faulkner, Executive Director
Historic Hawaii Foundation

Committee: Saturday, February 8, 2014
8:30 a.m.
Conference Room 325

RE: HB 1861, Relating to the Hawai'i Community Development Authority

On behalf of Historic Hawaii Foundation (HHF), I am writing in **support for HB 1861**. The bill amends procedures of the Hawai'i Community Development Authority (HCDA) to require additional public notice and public input for development projects and rule changes; establishes additional requirements for development projects before HCDA approval can be granted; and creates an appeal process for HCDA actions and decisions.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawaii's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

HCDA's areas of jurisdiction include many sites of historic, cultural, architectural, archaeological and artistic significance. These resources provide a connection between past, present and future generations that live, work, and experience the districts of Kaka'ako, Kalaeloa, and He'eia.

HB 1861 is one of a suite of bills introduced related to HCDA's planning and implementation for development in these districts. The bills recognize that there is strong and growing community concern that HCDA's practice has been to approve projects that are not consistent with either the areas' master plans or the governing rules, and that HCDA consistently approves projects by granting numerous waivers or exemptions. HCDA's failure to adhere to historic preservation standards and rules is among the community concerns.

The bill is an effort to ensure a more consistent application of the rules and implementation of the master plans, to provide greater opportunities for public engagement, and to provide accountability from HCDA. We agree that there is a need for greater clarity, consistency and accountability. Therefore, HHF supports HB1861. In particular, HHF believes that a viable appeals process is needed to hold HCDA accountable for its decisions and actions. HHF also strongly supports the requirement for meaningful community information and engagement.

Thank you for the opportunity to comment.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 11:54 AM
To: waltestimony
Cc: connie.smyth54@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
connie smyth	Individual	Support	No

Comments: HB 1861 (very similar to HB 1860) I support HB 1861 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns. *HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. *Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) * There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 12:24 PM
To: waltestimony
Cc: ismyth@hawaiiantel.net
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
isaac smyth	Individual	Support	No

Comments: HB 1861 (very similar to HB 1860) I support HB 1861 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns. *HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. *Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) * There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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Testimony of

Eric Gay

Before the

House Committee on Water and Land

Saturday February 8, 2014

House Bills: 1860, 1861, 1863, 1864, 1865, 1866, 1867.

Chairperson Cindy Evans and members of the House Committee on Water and Land:

My name is Eric Gay. I live at the Royal Capital Plaza. My main concern for Kaka'ako is education for our children. My son Eric Gay Jr. attends Voyager Charter School in Manoa. I know of a least 5 other children in Kaka'ako who attend Voyager and 2 other children who attend a charter school outside of Kaka'ako because there is no space available in Kaka'ako's only district elementary school, Royal Elementary. Does the HCDA have plans to build schools? Where will the children from the proposed work force housing or reserve housing go to school? Education is the building blocks of our universe. HCDA, please build an elementary school, a middle school and a high school before any further development is done in Kaka'ako. I support House Bills 1860, as well as House Bills 1861, 1863 1864, 1865 1866, and 1867.

Thank You

Testimony of

Jane Gay

Before the House Committee on Water and Land

Saturday February 8, 2014

House Bill 1861: Relating to the Hawaii Community Development Authority

Chairperson Evans and Members of the House Committee on Water and Land:

My name is Jane Gay and I have been a resident of Kaka'ako for the past 27 years.

Thank you for the opportunity to testify on **House Bill 1861**. I support HB 1861 and I support all the House Bills 1860 to 1867 being heard today.

I strongly favor 206E-33 Kaka'ako Community Development District, development guidance policies. HB 1861 No. 8, "Residential Development shall provide necessary and adequate community facilities and services, such as schools, etc." My concern is that there are no schools in Kaka'ako. My grandson, Eric, attends Voyager Charter School in Manoa. I am 81 years old and I go by bus to pick up Eric from school. First, Eric was attending Voyager Charter School in a commercial warehouse in Kaka'ako, then the school was moved to Halekauwila Street. Eric's classroom was directly across the street from where the prisoner escaped from the Court House. Voyager Charter School had no other choice but to move to Manoa. Voyager lives up to their name. The chorus in the Voyager Alma Mater is "Voyager, Voyager, the journey of learning never ends. What we learn as children will shape us as we grow into our world."

I urge you to pass HB 1861 to protect Kaka'ako. Thank you for your time and attention to present my testimony.

Testimony of

Jane Gay

Before the House Committee on Water and Land

Saturday February 8, 2014

House Bill 1861: Relating to the Hawaii Community Development Authority

Chairperson Evans and Members of the House Committee on Water and Land:

My name is Jane Gay and I have been a resident of Kaka'ako for the past 27 years.

Thank you for the opportunity to testify on **House Bill 1861**. I support HB 1861 and I support all the House Bills 1860 to 1867 being heard today.

I strongly favor 206E-33 Kaka'ako Community Development District, development guidance policies. HB 1861 No. 8, "Residential Development shall provide necessary and adequate community facilities and services, such as schools, etc." My concern is that there are no schools in Kaka'ako. My grandson, Eric, attends Voyager Charter School in Manoa. I am 81 years old and I go by bus to pick up Eric from school. First, Eric was attending Voyager Charter School in a commercial warehouse in Kaka'ako, then the school was moved to Halekauwila Street. Eric's classroom was directly across the street from where the prisoner escaped from the Court House. Voyager Charter School had no other choice but to move to Manoa. Voyager lives up to their name. The chorus in the Voyager Alma Mater is "Voyager, Voyager, the journey of learning never ends. What we learn as children will shape us as we grow into our world."

I urge you to pass HB 1861 to protect Kaka'ako. Thank you for your time and attention to present my testimony.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 9:47 AM
To: waltestimony
Cc: Towerengr@aol.com
Subject: Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

HB1864

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Whitehead	Individual	Support	No

Comments: "I strongly support abolishing HCDA that has shown it does not understand nor does it act to be good stewards of Kaka'ako, Kalaeloa or Heeia lands. All other bills curb their actions so I also support those bills being heard on 2/8: HB1860, HB1861,HB1863,HB1865,HB1866,AND HB1867.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 9:21 AM
To: waltestimony
Cc: williamlee244@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William Lee	Individual	Support	No

Comments: Any person adversely affected by an HCDA decision should have the right to contest the decision. HCDA must be more transparent and responsive to the community's concerns. Kakaako needs an elementary school.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 2:29 PM
To: waltestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 3:21 PM
To: waltestimony
Cc: rmyamauchi@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Yamauchi	Individual	Support	No

Comments: I am in support of HB 1861 it addresses issues regarding HCDA and its function in the following ways that I believe are positive for the community; adversely affected persons will be allowed to request a hearing to contest HCDA decisions. Will add to the transparency and responsiveness to the community it serves. Provide for greater oversight by the legislature.
respectfully submitted, Roy Yamauchi

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From: Web Nolan <webnolan@hawaii.rr.com>
Sent: Wednesday, February 05, 2014 12:05 PM
To: waltestimony
Subject: Testimony by Webster Nolan in support of HB1861

Testimony by Kakaako resident Webster K. Nolan in support of HB1861 for House WAL Committee hearing on Saturday February 8,

I strongly support HB1861 because it responds positively and specifically to a persistent concern among Kakaako residents that the Authority has failed to meet its statutory obligation (HRS Chapter 206E-5.5: Community and public notice requirements) to engage “effectively and meaningfully” with the community in the HCDA decision-making processes.

This bill specifies that, “upon receipt” of any new development proposal, the Authority provide to key State and City legislators copies of the proposal, the project’s environmental assessment or impact statement, and the recommendation of the HCDA executive director regarding the project. It further sets a deadline (two weeks prior to a decision-making hearing on the project) for the Authority to provide these legislators with a report “detailing” the public’s comments and the Authority’s response about any concerns raised at a public hearing or in written testimony.

Heretofore, concerned residents had no way of knowing if all the Authority’s board members had actually heard or read their testimony at public hearings, or whether they discussed the public concerns among themselves, or if, in their decision-making, they were merely endorsing the statements, opinions and recommendations of the executive director.

This bill gives at least some assurance that the board members will pay closer attention to the concerns of residents because they (the board members) could be called upon individually by the legislature to explain their votes on specific projects.

In fact, the bill goes even further on this point, by requiring the Authority to respond orally to all concerns raised by the public at the decision-making hearing, and additionally “to explain in detail, both in writing and orally, the reasons why modifications suggested by people affected by the project have not been incorporated into its decision to approve the project.”

The decision-making process in the case of the “801 South Street Phase II” projects serves as an example of why residents are deeply concerned about the Authority’s behavior. Residents and others raised many questions in public hearings about the claimed affordability of the units, the possibility of speculation and flipping in the sale of the units supposedly dedicated to providing home ownership to Hawaii’s “hard working people,” the social impact of having four 40-story condominium buildings with several thousand residents packed together in close proximity, substantial increases in noise and traffic, substantial loss of open space and privacy, and many more issues. The Authority rarely gave clear and complete answers to these matters. HB1861 address this gaping flaw in the decision-making process, and I urge the committee and the legislature to approve it.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 12:22 PM
To: waltestimony
Cc: helen.y.rauer@courts.hawaii.gov
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
helen y. rauer	Kakaako United	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 12:23 PM
To: waltestimony
Cc: vsc@hawaiiantel.net
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Cannon	Individual	Support	No

Comments: We support this measure. We need statewide redevelopment policies for all urban areas to serve ALL HAWAII residents. We need sufficient affordable housing, and the necessary community services such as parks and open spaces and we need to minimize real estate speculation. Victoria and Trudy Cannon

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 2:44 PM
To: waltestimony
Cc: eo50@icloud.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Okamura	Individual	Support	No

Comments: HCDA should be more transparent and responsive to the community. Any individual or group should be allowed to contest a decision made by HCDA if they are adversely affected.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 3:13 PM
To: waltestimony
Cc: autumnrose2010@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Autumn Rose	Individual	Support	No

Comments: We need to ensure that redevelopment projects serve all of Hawaii's residents, particularly, by providing sufficient AFFORDABLE HOUSING and necessary community services while MINIMIZING REAL ESTATE SPECULATION. HCDA needs to be FIXED or ABOLISHED!

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Testimony of
Michael Korman
Before the
House Committee on Water & Land
House Bill 1861
Relating to the Hawaii Community Development Authority

Chairperson Evans and Member of the House Committee on Water and Land

My name is Michael Korman, and as a local citizen very concerned about Kaka'ako, I urge you to support House Bill 1861 and all the House Bills 1860 to 1867.

I am providing this written testimony because I am extremely concerned about the future landscape of Kaka'ako in terms of how high the buildings will be, how close together, and how large they will be relative to their foot print on the ground.

Although I am in favor of community redevelopment as an economically and socially viable course of action, the HCDA's current operating system does not effectively take into consideration the health and quality of life of the existing Kaka'ako neighbors. HCDA should be more responsive to community concerns. Furthermore, HCDA needs more oversight by legislators. It should not be allowed to change building rules without legislative authorization.

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. HB 1860 requires HCDA to adopt and amend the plan only when authorized by the legislature. I suggest the clearer language of HB 1860 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

Currently planned housing projects will negatively influence the quality of the air, the open space, and the quiet atmosphere that led current residents to select this neighborhood as home. Kaka'ako citizens feel helpless with personal wellbeing and quality of life in jeopardy. If a person is adversely affected by HCDA's decisions, there should be a fair and clear administrative procedure to contest the decision.

Without thoughtfully-implemented plans, HCDA will foster overbuilding, which will lead to overcrowding and related health and safety problems. Today, HCDA's organizational practices favor the real estate developers who plan to come into our neighborhoods, create huge closely-spaced buildings, and then disappear with their giant profits and without any harmful ramifications.

Developers of Kaka'ako condos should be required to perform impact studies (just like elsewhere on Oahu) to evaluate sewers, roads, utilities including water and electricity, schools, parks, and other infrastructure requirements needed for the additional number of residents. Access to emergency services should be evaluated as well. If any infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (just like elsewhere on Oahu).

There is a growing wall of concrete in Kaka'ako and new buildings should have stricter limits on height and density, similar to the City's standards. A density limit of 1.5 FAR (or 3.5 FAR at worse case) with height limit of 400 feet is reasonable. A minimum distance of 300 feet should be maintained between buildings that are more than 100 feet tall.

HCDA does not now work with the community or area legislators or councilpersons to ensure project developments follow the plan and rules and do not adversely affect community residents. HB1861 fixes this problem by requiring HCDA to give notice and needed information to legislators, district councilmembers and community residents so they can meaningfully participate; and report to legislators and district councilmembers on each project, including their responses on how they incorporated community concerns, before they approve a project.

Existing residents have minimal say in the present housing approval process, yet they are the ones who will feel the impact of overcrowding for the rest of their lives. HCDA should not have the authority to waive current rules when it comes to how a building looks. Master development plans and rules were made to be followed by everyone.

I enthusiastically urge you to pass HB1861 to protect Kaka'ako and its residents for many generations to come. Thank you very much for your consideration.

Michael Korman

February 4, 2014

Aloha Chair Evans, and Representatives

As an Ewa resident and member of the Kanehili Cultural Hui who has witnessed how HAWAII COMMUNITY DEVELOPMENT AUTHORITY operates in Kalaeloa and how poorly they communicate with the community and how evasive they are when information about developments is sought.

I believe this organization clearly needs to be shut down because of lack of community oversight and adherence to State and Federal historic and cultural preservation laws and City planning rules and ordinances. They have a dedicated "Cultural Heritage Park," but really it has been used as an illegal dump site and as an excuse to do widespread damage to other very pristine areas that HCDA plans to turn into industrial areas. The word "front" or "façade" is made for how HCDA operates in Kalaleloa.

Coordination and cooperation with City zoning and planning is severely lacking and HCDA doesn't even follow its own rules. During the Kalaeloa Draft Rules process a couple of years ago they completely rejected every single suggestion made by the attorney from the National Trust for Historic Preservation. These were suggestions that were showing how HCDA's rules would NOT be in compliance with national standards and allowed many variances and loopholes for developers to avoid State and Federal historic and cultural preservation compliance. These comments were all REJECTED by the HCDA director.

Clearly today the results are in- a blatant disregard for historic and cultural preservation and a complete blindness to apparently on-going developer sponsored "vandals" who systematically desecrate historic and cultural sites to reduce and destroy "historic integrity" and "cultural value."

There are many examples in Kalaeloa of extensive damage to valuable infrastructure and historic buildings that has been going on for years. It is being done apparently so that it requires a full replacement and of course that means by Hawaii tax-payers. I could send you a hundred photos of intentional damage done by Kalaeloa developers who want see everything out there flattened for land flips to the highest bidder. The more they can make Kalaeloa a cleared parking lot free of any historic and cultural issues, native plants, etc. the better for the land developers and HCDA insiders.

We now increasingly hear that all HCDA Kalaeloa lands "must be developed to their highest potential (income for HCDA developers.) This means all previously promised open space, cultural and historic sites must be wiped out because the highest developer dollar wants it. It really makes you wonder if anything the State does anymore is about "the future" and "the keiki" or just about how much land development cash can be pocketed RIGHT NOW. The message here is that there REALLY ISN'T a future for anyone unless you are rich and can leave once all of the environment that once made the area a wonderful place to live has all been raped away. HCDA developers just move on to the next target somewhere else and the local residents get stuck with tax bills and a depleted, polluted, unsustainable landscape.

HCDA has been cited for illegal dumping on HCDA's own property by the City building inspector (after it was pointed out to them.) Otherwise the people who are supposed to be enforcing City and State laws have NO IDEA what is going on in Kalaleoa unless HCDA calls them in- and that basically NEVER HAPPENS. And development continues with roads and other infrastructure NOT being done to City spec or State environmental laws in Kalaeloa since no one really watches what is happening.

HCDA's director recently expressed surprise at a community meeting when learning that Hunt Corporation was selling off Kalaleoa land (which they lease from the Navy and has NOT undergone a required Federal Section 106 process) while real estate signs have been up all over Kalaeloa for months offering these properties already for sale. This really begs the question that the Kalaeloa director doesn't even know what is going on in Kalaeloa, which they supposedly "manage." In HCDA's Kalaeloa the "rules" become whatever the developer wants it to be, including with Federal property.

I have spoken with a current (and still largely understaffed) State Historic Preservation Division branch manager and was told that HCDA rarely if ever consults with them on anything, despite many ongoing projects in Kalaeloa in very sensitive cultural and historic areas. Kalaeloa is pretty well known as a "Wild West" place of developer lawlessness. Damage is done by "vandals," often in broad daylight. Powerlines, lightpoles, etc are regularly cut down along main roadways or side streets by "vandals." This is so that new ones must be put in and of course the Hawaii tax-payer always pays for it so who really cares?

It is amazing how the "vandals" and firestarters seem to be able to operate in Kalaleoa in broad daylight during working hours without any police or security noticing anyone doing anything. Only after a great deal of news media coverage have all of the continuous, almost daily fires (and perhaps with the help of the weather) allowed this aspect of Kalaleoa destruction to be at least temporarily curbed.

Large areas of military base electrical and telecommunication vaults and buildings have been stripped of copper wire, switching rooms trashed, equipment removed and valuable telephone/power poles (I have been told are worth around \$2000 each) sawed down everywhere. Nothing is ever done about it, over a period of over one and a half years, despite constant "security" patrols. Unless there are some really incompetent druggie thieves who get caught because they cut into live electrical wires and nearly get electrocuted, does any attention result. Amazingly these same people seem to just get away and return again and again. They also inhabit empty historic buildings right next door to developer offices!

Around a year and a half ago HCDA allowed a prospective PV site developer to go into a highly sensitive Hawaiian cultural area in Kalaleoa with a D9 Bulldozer and cut huge swaths of roads over a very large area. Not even straight lines (which is usually always done with a small, rubber tread BobCat for survey work), but wandering, unmitigated massive damage was done to one thousand year old ancient Hawaiian trails, habitation sites and heiau structures. No one at HCDA Kalaeloa questioned this!

Only because of outside complaints to DLNR was this project stopped. To this very day there has never been anything publicly disclosed as to WHO at HCDA authorized this massive and completely insane destruction. It has all been hushed up and likely it seems now the PV site developer paid someone some money so that nothing further was ever said about it. But they are planning MORE like this already!

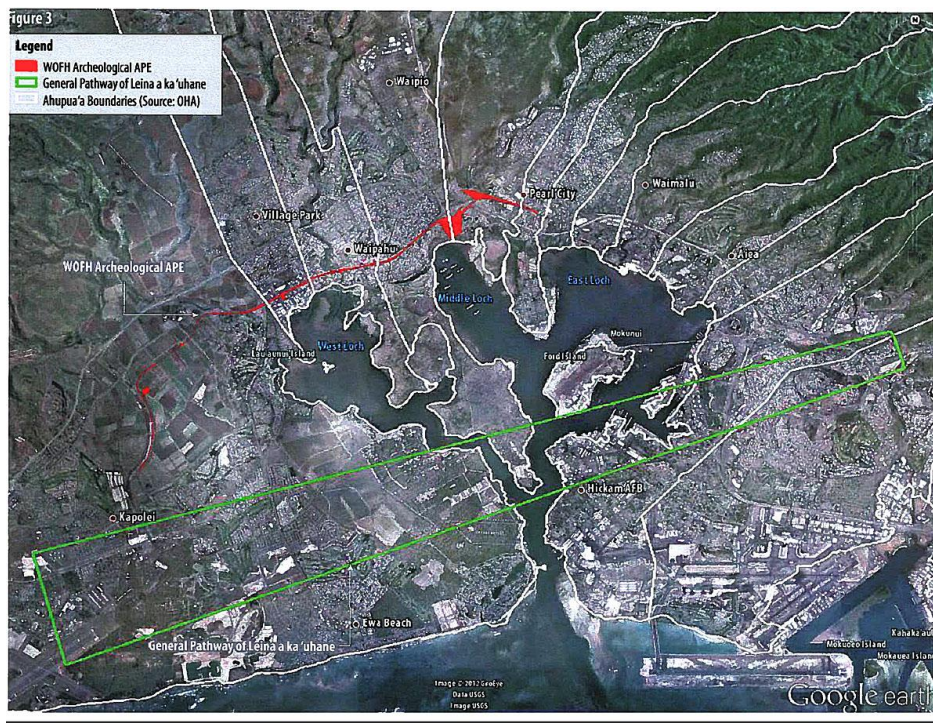
Our Kanehili Cultural Hui was able to photograph the damage many months later when apparently an archaeological contractor (not SHPD which rarely looks at anything in Kalaeloa) was brought in to begin tagging all the site damage. We assume the contractor who did all the damage paid for the survey, but this doesn't address who at HCDA allowed this stupid fiasco to happen in the first place.

By the way, Kanehili is the ancient Hawaiian name for this area, not "Kalaeloa." Kalaeloa was just another land developer created name, like "Hoopili" is for Honouliuli and "East Kapolei" is for Ewa. It makes it a lot more easy and convenient to bulldoze historic and cultural areas when they can't be remembered and linked to the past cultural history. At least DHHL did some native Hawaiian research when they named their nearby home development projects Kaupē'a and Kanehili. These are the true local area cultural names according to Hawaiian oral history. Ewa's history is still largely ignored.

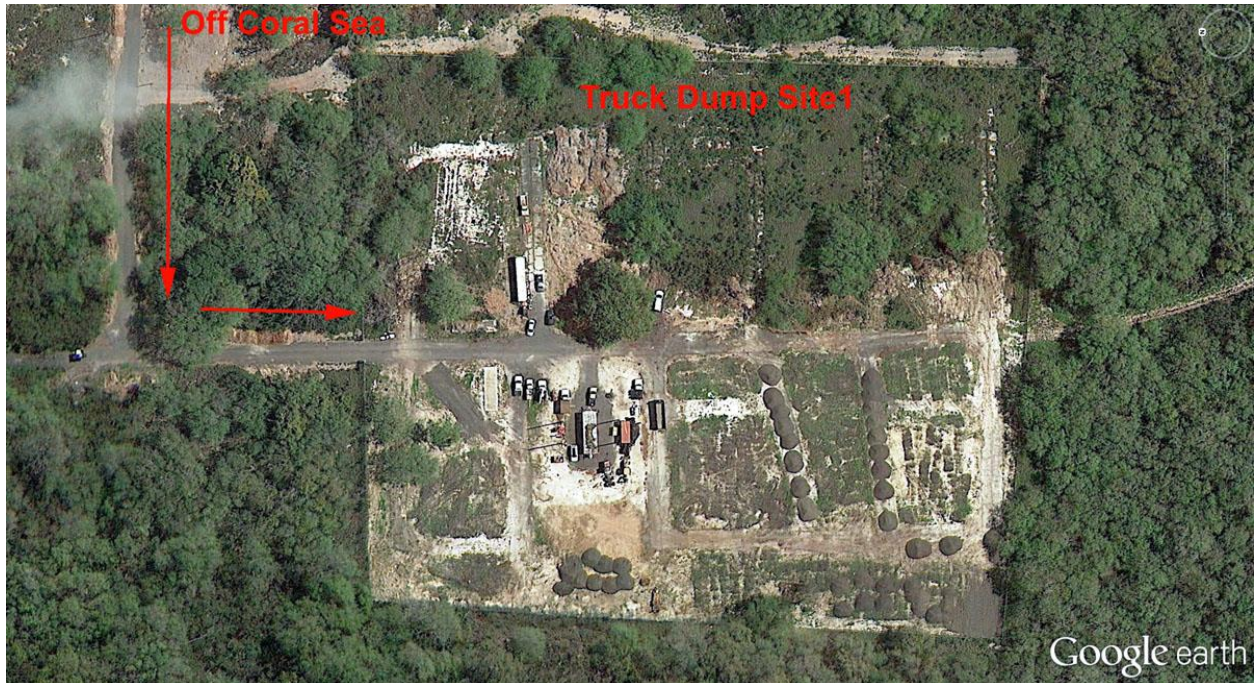
HCDA's Kalaeloa is a Wild West area where developers make the rules they want. HCDA needs to be SHUT DOWN with by House Bill 1864 in the hope that some zoning and planning law and order can be established in this HCDA developer free fire zone. This is NOT what the local community wants!

John Bond, President, Kanehili Cultural Hui

BELOW: The HART Federal EIS has designated this Kanehili area as a National Register Eligible site for historic and cultural protection under State and Federal laws. It was the original intention of the community at the time of the Barbers Point Naval Base closure that significant historic and cultural sites would be forever protected for future generations to enjoy and not become just another paved over area like everything else in West Oahu.



HART EIS designated Leina a ka Uhane – Wahi Pana in 2012



Large areas within former Naval Air Station Barbers Point in 1997 were NEVER adequately surveyed for important native Hawaiian cultural sites. Much more information has now become available showing how very incomplete and random these past archeological surveys really were just to meet deadlines.

Kanehili Cultural Hui has found there are large areas of unidentified Hawaiian trails, habitations and cultural areas that have never been adequately surveyed in what is really ancient Kanehili and which only in April 2012 was it established that this area is a major Oahu wahi pana called the Leina a ka 'Uhane.





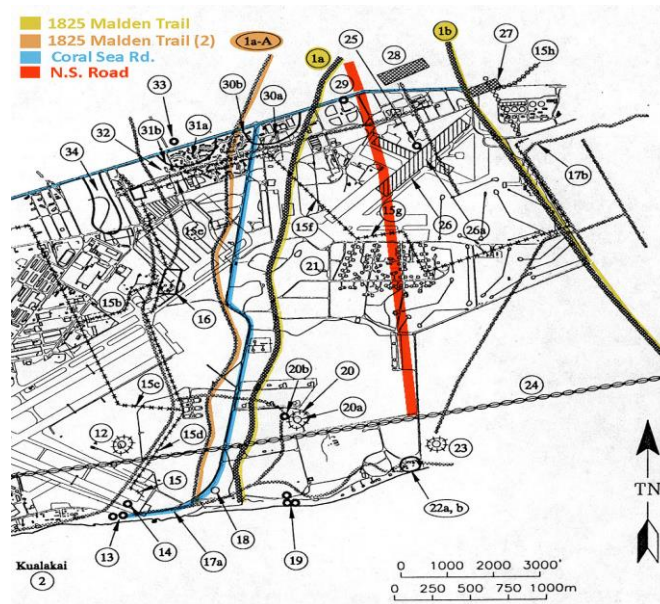
Table 7 presents the Leina a ka 'uhane as a single sacred and storied place, identifying the applicable ahupua'a, theme, National Register criteria, and integrity of relationship and condition.

Table 7. Leina a ka 'Uhane with Associated Theme and National Register Eligibility Criteria.

Wahi Pana	Ahupua'a	Theme	National Register A	National Register B	Integrity of Relationships	Integrity of Condition
Leina a ka 'uhane	Hālawa Moanalua, Waiau, Waimano, Pu'uloa, Honouliuli	2	Associated with pattern of events – Leaping off place to the spirit world	Associated with the akua Kānehili, Leiolono, and Milu	TBD	TBD

In our opinion, each of the 26 individually identified wahi pana, as well as the Leina a ka 'uhane, likely has integrity of relationship. Wahi pana are sacred and storied places on the land and our archival research and informant interviews suggest that these storied places are important to the retention and or transmittal of knowledge and beliefs about the land and history of the Hawaiian People on O'ahu.

HART EIS 2012 study by Kumupono LLC and SRI, Inc. shows National Register Eligibility for Kanehili Leina



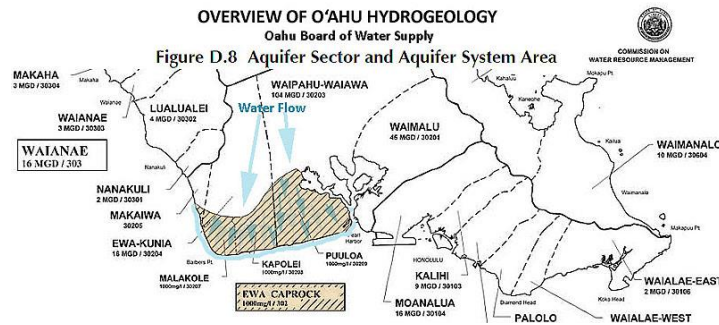
Navy BRAC of NASBP by Tuggles (IARII) shows Kanehili Trails and important sites HCDA wants destroyed.



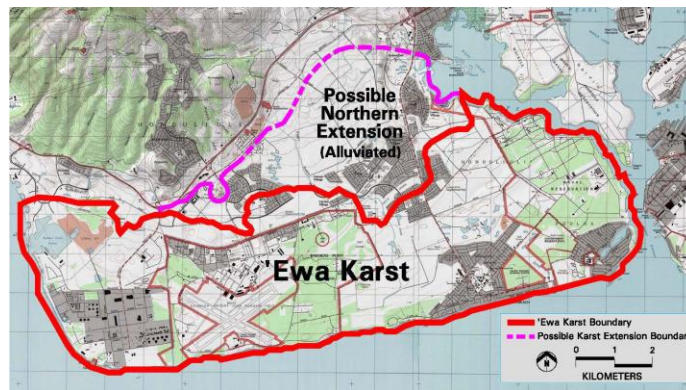
British Royal Navy 1825 Malden Trails map shows ancient Hawaiian Trails in Kanehili, Honouliuli.



HART lists important sites and Kanehili Leina falls just below the East Kapolei Station site



Hydrogeology map shows mountain to shore water flow through “caprock” (Karst)



Ewa Karst is actually a very porous ancient 100,000 year old reef, and result of past higher sea level.



lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 8:38 AM
To: waltestimony
Cc: rdulcich@gmail.com
Subject: Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

HB1864

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Dulcich	Individual	Support	No

Comments: I strongly support abolishing HCDA that has shown it does not understand nor does it act to be good stewards of Kaka'ako, Kalaeloa or Heeia lands. All other bill curb their action so I also support those bills being heard on 2/8: HB1860, HB1861, HB1863, HB1865, HB1866 and HB1867.

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Sent: Wednesday, February 05, 2014 7:55 PM
To: waltestimony
Cc: evalaviva@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Gallegos	Individual	Support	No

Comments:

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Sent: Wednesday, February 05, 2014 8:01 PM
To: waltestimony
Cc: clkkimura@gmail.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Kimura	Individual	Support	No

Comments: HCDA must be made more accountable and transparent. It must be more responsive to community concerns. It should not be allowed to change building rules without legislative authorization. Also, there is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline in urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 9:17 PM
To: waltestimony
Cc: arbeit@hawaiiantel.net
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments: HCDA has routinely allowed changes to codes and rules established for a livable and healthy Honolulu and even ignored its own guidelines. That's why I think it should be abolished (HB1864). Short of that I find HB 1861 especially appealing in that HCDA is obligated to communicate with legislators, councilmembers and residents before it can approve a project. However, I prefer the clearer language relating to oversight by legislators or councilpersons in HB 1860 as it relates to amendments and adoption.

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Testimony of
Ann L. Miller
Before the
House Committee on Water & Land
Saturday, Feb. 8, 2014, 8:30 a.m., Conference Room
325

In Support of HB 1865, Relating to the Hawaii
Community Development Authority

Chairperson Evans and Members of the House
Committee on Water and Land

My name is Ann Miller and I have been a resident of Kaka'ako for 22 years. I support HB 1865 and all the other bills being heard by your committee today (HB1860, HB1861, HB1863, HB1864, HB1865, HB1866 and HB1867) because all address continuing frustration we have about what HCDA is doing and how it ignores people who live, work, play and enjoy Kaka'ako.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposals in Kaka'ako. The rash of HCDA approvals recently have come without serious regard to input from the community surrounding these projects and often based only on "conditional approvals" by the city for infrastructure. Our constant sewer problems have continued, there are no public schools available for our young children

and traffic is a disaster ... now.

Can you envision the impact of thousands more people and cars without proper planning, by an unelected board that does not truly represent any segment of our community with the exception of the construction and real estate industries? Can you envision a Kaka'ako made up of concrete walls, little green space and absolutely no sense of place?

HCDA must learn to respect the land and people it should be serving—those living, working and using Kaka'ako and those who want to join us as neighbors. If it cannot perform that very basic function, something needs to change. If it cannot follow its own rules — instead offering constant variances and exemptions for height, density, distance between buildings and alignment with little regard for truly affordable housing — it must be shut down and put back together again with a renewed sense of purpose and vision.

Please support the Kaka'ako community. We want a living, working, thriving community that is affordable to the working people of Hawaii. HB 1865 will force the HCDA to follow the guidelines set forth by the legislature in 1975. I strongly urge you to pass HB 1865 and all the supporting bills you are scheduled to hear today.

Thank you for the opportunity to testify.

Ann L. Miller

Mphalm1@hawaiiantel.net

808-591-1780

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 11:12 PM
To: waltestimony
Cc: morik369@hawaiiantel.net
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Morikawa	Individual	Support	No

Comments:

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Testimony of
Martha P. Hernandez
Before the
House Committee on Water & Land
Saturday, Feb. 8, 2014, 8:30 a.m., Conference Room 325

In Support of HB 1865, Relating to the Hawaii Community Development Authority

Chairperson Evans and Members of the House Committee on Water and Land

My name is Martha P. Hernandez and I am a resident and work in Kakaako. I'm writing today to support HB 1865 and all the other bills being heard by your committee today (HB1860, HB1861, HB1863, HB1864, HB1865, HB1866 and HB1867).

The development of Kakaako is very important and must be done with care to follow rules that have been set with community input under the guidance of the HCDA. When you look at the HCDA's website and read about the vision for Kakaako you want to be part of it. The plan for a community that lives, works and plays with open spaces and a mix of building heights that are visually appealing is a good one.

Why then does the entity that was created to oversee the vision consistently ignore the guidelines? It allows taller buildings and double density that create walls of concrete and add to our traffic congestion.

The agency creates an illusion of listening the community through hearings that are required by law. The hearings are set and the testimony is heard and the decision given with the same result — approval of developments that are allowed to break the rules.

The HCDA is irresponsible and needs to be stopped. Furthermore, before more development is approved, the HCDA should make upgrades to infrastructure to support the added population. Please bring back responsible planning and let's get back to creating the vision that was promised.

Thank you for taking time to read my testimony and taking action before the HCDA's wall of concrete becomes a permanent fixture in our city.

Aloha
Martha P. Hernandez
Mphalm1@me.com
808 372-4459

February 6, 2014

TESTIMONY TO STRONGLY SUPPORT HB1864 – REPEAL OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Chair Evans and Members of the Water and Land Committee,

My name is Bernard Nunies. I am a 7 year resident of Kaka'ako and have seen, in 2013 alone, the devastation a single rogue government agency can cause in our community. I am, of course, referring to the Hawaii Community Development Authority (HCDA), who this year alone, has approved 11 developments in Kaka'ako without regard to infrastructure issues, established rules & regulations, or community feedback and input. I have testified at several of their hearings in 2013, only to have our community concerns fall on deaf ears as the governor-appointed board do the bidding of big business without concern for the current or future residents of my community.

The 2011 Mauka Area Rules were established to guide smart development in Kaka'ako, yet the HCDA has taken it upon themselves to select which rules apply and when to apply then, often granting developers extreme exemptions and allowing them to take advantage of loopholes.

- The 2011 Mauka Area rules established the Floor-Area-Ratio (FAR) of central Kaka'ako to be 1.5 due to poor infrastructure. However, the director of the HCDA arbitrarily increased the far to 3.5 (more than doubling the density of this area) despite having made no infrastructure improvements to justify the increase.
- There are no guidelines in place that prevent inventors from purchasing "reserved housing" units and flipping them for a profit as the only regulation in place is that these units be offered to the public for 60 days. After that, anyone can purchase.
- There is no elementary school capacity in Kaka'ako and the neighboring schools are all full. Yet, the HCDA continues to approve development without regard as to where our keiki will be educated. The HCDA claims this is a DOE issue, yet the only parcel of land in Kaka'ako that could be used for an elementary school (690 Pohukaina) was given to developers by the HCDA for housing development.

These are just a few examples of how the HCDA has failed the Kaka'ako community and needs to be abolished.

I strongly support HB 1864 and other bills that have been introduced that limit and rein in the authority of the HCDA (HB 1860, 1861, 1863, 1865, 1866, and 1867) and hope to have the build-up of my community be accomplished in a way that addresses the infrastructure issues first, listens to the concerns of the current residents, and provides for truly affordable housing for the working families.

Best Regards,

Bernard K. Nunies
725 Kapiolani Blvd
Honolulu, HI 96813

Email: bknunies@gmail.com
Phone: 808-215-9016

February 8, 2014

Honorable Cindy Evans, Chair
Honorable Nicole Lowen, Vice Chair
House Committee on Water & Land

RE: HB 1861 – Relating to the Hawaii Community Development Authority – IN OPPOSITION
Hawaii State Capitol, Rm. 325; 8:30 AM

Aloha Chair Evans, Vice Chair Lowen and Members of the Committee,

The Howard Hughes Corporation, and its wholly-owned subsidiary Victoria Ward Limited (“VWL”), believe in community engagement. We oppose HB 1861 because it establishes additional requirements for development projects, including setting a maximum of 3.5 floor area ratio (“FAR”) for all residential development. This bill infringes on development rights under already approved master plans.

By approving the Ward Master Plan on January 14, 2009, HCDA provided enforceable assurances to VWL that its projects under the Master Plan in accordance with HCDA’s Mauka Area Rules existing at January 14, 2009 (“Vested Rules”) would not be later restricted or prohibited by subsequent changes to those rules. In reliance on the validly approved Ward Master Plan, VWL has committed significant time and resources in implementing various development projects that will occur over the course of the 15-year master plan.

One of the most important approved components of the Ward Master Plan was the ability to transfer the approved floor area ratio (“FAR”) of 3.8 between contiguously-owned development lots, as provided under the master planning rules at HAR §15-22-203(b). This provision is so significant that the pedestrian-friendly, smart-growth, public plaza vision of the Ward Master Plan cannot operate without it.

HB 1861 violates this vested development right by imposing a blanket FAR of 3.5. For these reasons, we respectfully urge you to hold HB 1861. Thank you for the opportunity to testify on this measure.

David Striph
Senior Vice President-Hawaii

Howard Hughes

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 10:48 PM
To: waltestimony
Cc: nancylhedlund@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Hedlund	Individual	Support	No

Comments: Aloha Members of the Water & Land Committee: I offer testimony in favor of bills abolishing or limiting the authority of HCDA, a State government unit that has entirely failed to fulfill the intended purpose of advancing development and flourishing of Kaka'ako through providing appropriate direction and leadership to development in Hawai'i. The following bills relate to urgently needed actions to curb the authority and actions of HCDA: HB1860, HB1861, HB1863, HP1864, HB1865, HB1866, HB1867. With great urgency and sincerity, I ask you to support all proposed bills that abolish or limit the authority and actions of the HCDA in Kaka'ako and other areas for which HCDA has inappropriately been given authority, including Kalaeloa and He'eia lands. My experience with HCDA dates back to membership on the Ala Moana/Kaka'ako Neighborhood Board, CPAC, and previous community actions to oppose development of luxury high rises in Kaka'ako Makai by Alexander and Baldwin. In the aftermath of community success in blocking this development, we were most disappointed to learn the ways that a developer had been favored in the approval process and then to see how favors and variances continued to characterize the approval process for other projects with total disregard for community input. It was equally disappointing to realize that there was no integration of community input in HCDA's process. Yes, there were meetings and pretenses of exchange of information. But at every turn, the outcomes never reflected the community's preferences. Standards that should have been respected were modified by variances, even in the face of community concern. Even when CPAC and the community took the time and did the work to create a formal plan, the substance of the community's inputs was given no place in the process. There are many examples of these failures to serve the community that provide evidence for this pattern of decision making. Kaka'ako is a community with strengths, needs and great potential to contribute to the sustainability of Honolulu, Oahu and Hawai'i. One of its greatest strengths now is that there is a larger community of citizens who demonstrate spirit, knowledge, experience and engagement. Yet HCDA has continued to operate with the single agenda of economic gain for developers. Immensely important arenas of sustainability have been bypassed entirely such as: water, schools, traffic, sewage, view planes and parking. When confronted with challenges concerning these dimensions of community viability, HCDA's response has been indifference. How can we look the other way at HCDA's Indifference to schools? to sewage? to the sufficiency of water for proposed developments? As one of many concerned citizens who lives here in the Kaka'ako/Ala Moana part of Honolulu, I have made many attempts to participate in planning for Kaka'ako over the past 8 years. I speak from experience. But instead of seeing positive results, every day I see one or more of the many deleterious effects of HCDA's ways of doing business. It has failed to serve our

community through vision, principle or effective planning methods. Please take action to move us into a more viable process for our community's future. Nancy Hedlund, Honolulu, Hawai'i

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Matt Vossen
P.O. Box 1829
Waianae, HI 96792

February 8, 2014

State of Hawaii House of Representatives
House Committee on Water & Land
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867
Relating to the Hawaii Community Development Authority and the
Kakaako Community Development District

I am *Matt Vossen*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

| Sincerely,

Matt Vossen

February 8, 2014

State of Hawaii House of Representatives
House Committee on Water & Land
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867
Relating to the Hawaii Community Development Authority and the
Kakaako Community Development District

I am *Robert Locquiao*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Robert Locquiao
Rob4x4rl@aol.com

Malama Makaha

February 4, 2014

TO: House Water & Land Committee Members,

SUBJECT: Testimony in Support of HB 1861

Dear Committee Members,

Malama Makaha supports HB 1861 with the following caveats:

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. Malama Makaha suggests the clearer language of HB 1860 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

HCDA does not now work with the community or area legislators or councilpersons to ensure project developments follow the plan and rules and do not adversely affect community residents. HB1861 fixes this-- HCDA must give notice and needed information to legislators, district council members and community residents so they can meaningfully participate; and report to legislators and district council members on each project, including their responses on how they incorporated community concerns, before they approve a project.

HCDA needs more oversight by legislators. It should not be allowed to change building rules without legislative authorization. Shortsighted decisions and approvals are being made without adequate infrastructure or the assurance that infrastructure will be improved commensurate with the approved and proposed developments in the Kakaako area. Poor HCDA decisions and inadequate oversight of projects in the Barber's Point area have resulted in environmental harm and blight of a previously well-maintained community. HCDA is an irresponsible steward of the lands it oversees and fails to properly care for the aina.

Mahalo Nui Loa,



AL Frenzel
Malama Makaha
84-933 Alahele St.
Waianae, HI 96792
(808) 343-4916

Testimony of
Ann L. Miller
Before the
House Committee on Water & Land
Saturday, Feb. 8, 2014, 8:30 a.m., Conference Room
325

In Support of HB 1865, Relating to the Hawaii
Community Development Authority

Chairperson Evans and Members of the House
Committee on Water and Land

My name is Ann Miller and I have been a resident of Kaka'ako for 22 years. I support HB 1865 and all the other bills being heard by your committee today (HB1860, HB1861, HB1863, HB1864, HB1865, HB1866 and HB1867) because all address continuing frustration we have about what HCDA is doing and how it ignores people who live, work, play and enjoy Kaka'ako.

HB1865 is important because it places a one-year moratorium prohibiting the HCDA from approving any plan or development proposals in Kaka'ako. The rash of HCDA approvals recently have come without serious regard to input from the community surrounding these projects and often based only on "conditional approvals" by the city for infrastructure. Our constant sewer problems have continued, there are no public schools available for our young children

and traffic is a disaster ... now.

Can you envision the impact of thousands more people and cars without proper planning, by an unelected board that does not truly represent any segment of our community with the exception of the construction and real estate industries? Can you envision a Kaka'ako made up of concrete walls, little green space and absolutely no sense of place?

HCDA must learn to respect the land and people it should be serving—those living, working and using Kaka'ako and those who want to join us as neighbors. If it cannot perform that very basic function, something needs to change. If it cannot follow its own rules — instead offering constant variances and exemptions for height, density, distance between buildings and alignment with little regard for truly affordable housing — it must be shut down and put back together again with a renewed sense of purpose and vision.

Please support the Kaka'ako community. We want a living, working, thriving community that is affordable to the working people of Hawaii. HB 1865 will force the HCDA to follow the guidelines set forth by the legislature in 1975. I strongly urge you to pass HB 1865 and all the supporting bills you are scheduled to hear today.

Thank you for the opportunity to testify.

Ann L. Miller

Mphalm1@hawaiiantel.net

808-591-1780

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 7:30 PM
To: waltestimony
Cc: drlspina@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laila Spina	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 8:21 PM
To: waltestimony
Cc: suzanne@punapono.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Support	No

Comments: If you cannot REPEAL the HCDA then please PASS this Bill while keeping the following elements: Establishes a contested case process, like HB 1860. Authorizes only the legislature to adopt community development plans, not the HCDA board Requires informative and timely posting of public hearing notices and working with residents and landowners in the community in which the proposed project is located. This is to ensure that the area plan and rules are followed and proposed projects do not affect the community, residents or businesses. Requires all members of the legislature and appropriate city or county council members in a district be notified where a project is proposed Requires HCDA to respond orally to all concerns raised by the public at the decision-making hearing before the board makes a decision Requires HCDA to respond orally and in writing as to why modifications recommended by residents were not incorporated before approving the project Requires the same floor area ratio, height limit and infrastructure capacity studies as HB 1860

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 8:40 AM
To: waltestimony
Cc: kumemoto@hawaii.edu
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Umemoto	Individual	Support	No

Comments:

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DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 14-20

February 5, 2014

The Honorable Cindy Evans, Chair
and Members of the Committee on
Water & Land
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Evans and Members:

SUBJECT: House Bill 1861, Relating to the
Hawaii Community Development Authority

The Department of Environmental Services, City and County of Honolulu has significant concerns regarding and opposes Section 6 of House Bill (HB) 1861, Relating to the Hawaii Community Development Authority, purporting to create a new Hawaii Revised Statutes (HRS) Section 206E-33(10) that requires the following:

"Before approving development projects, the [Hawaii Community Development] Authority shall require comprehensive studies of and plans for the infrastructure capacity of the sewers . . . to ensure that they meet the needs generated by the additional number of anticipated residents and, where improvements are needed, the authority shall accordingly impose the necessary impact fees on the developer."

The City and County of Honolulu is responsible for and provides the wastewater (sewer) service for the Kakaako community development district, as defined by HRS § 206E-32. The City and County approves wastewater connection permits and determines the adequacy of the wastewater system to accommodate such additional development. For additional capacity required for a new development on an existing property, the City and County charges developers a Wastewater System Facility Charge established by City Ordinance to account for their impact on the wastewater system. Such a facility charge may be offset by the developers' construction of necessary wastewater system improvements to support their development.

The Honorable Cindy Evans, Chair
February 5, 2014
Page 2

Neither the State nor the Hawaii Community Development Authority has the responsibility or authority to determine sewer adequacy or to impose and collect "impact" fees related to the City and County's wastewater system and sewer improvements. Consequently, the reference to "sewers" should be removed from HB 1861 and the proposed HRS Section 206-33(10).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina". The signature is fluid and cursive, with a large initial "L" and "K".

Lori M.K. Kahikina, P.E.
Director

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 11:31 PM
To: waltestimony
Cc: candychoi68@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Candy Choi	Individual	Support	No

Comments:

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 12:24 AM
To: waltestimony
Cc: kkbtr@earthlink.net
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Vivien Tham	Individual	Support	No

Comments:

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Thomas Lee Travis

RR 2 Box 3317

Pahoa, Hi 96778

email: ttravis12@mac.com

mobile: (757) 639-7364

Members of the Water and Land Committee:

Much like the Public Land Development Corporation (PLDC), the Hawaii Community Development Authority (HCDA) was conceptually flawed in its creation and, to the degree it continues to exist, must be changed to meet the needs of Hawaii. It was created to streamline administrative procedures needed to begin community developments. But the streamlining power given to the HCDA cut to bone, removing community planning, community hearings, and opportunities for community recourse with disagreement.

Although justification for economic reasons might be made, it is wrong headed for State government to bypass local desires, direction, and planning. Communities should be given full voice and control of their cultural, social, environmental, visions for the future. The State of Hawaii should not preempt the local decision making, but instead should champion it. Emphasis on reestablishing local initiative serves several very important purposes:

- It breaks up the partnerships between big business and other powerful lobbies and the government, leveling the playing field for smaller and more innovative players.
- It will move us to a more sustainable model, as each community attempts to preserve what is considered best in that community.
- It will incentivize those with business interests to work with the local people, learning about the community and responding to it, rather than simply influencing the State Government through lobbying and political contributions.

Although passage of HB 1861 will not restore the needed local influence, it is a step in the right direction. I strongly urge you to support this bill.

lowen2-Lanaly

From: Pam Wood <pwood229@gmail.com>
Sent: Thursday, February 06, 2014 11:24 AM
To: waltestimony
Subject: Fwd: HB1864

Testimony of Pamela Wood

For the House Committee on Water & Land
Saturday, February 8, 2014
Re: Support for HB1864

Chair Cindy Evans and Members of the House Committee on Water & Land:

My name is Pamela Wood. I live in Kakaako. Thank you for giving me the opportunity to testify in support of HB1864 and share my experience of working with the Hawaii Community Development Authority (HCDA) during 2013.

HCDA has not taken responsibility for infrastructure deficiencies within Kakaako. Instead they approve development permit applications based on general letters of conditional approval from city agencies, then expect the city to address the infrastructure deficiencies during the building permit process.

I learned this first hand during HCDA's public hearings and information sessions regarding the 803 Waimanu project. The property is located in the commercial/industrial Central Kakaako Neighborhood. The FAR (Floor Area Ratio) was set at 1.5 because of the lack of infrastructure. The 2008 Environmental Impact Statement (EIS) and the 2011 Mauka Area Rules and Plan describe the inadequate infrastructure in detail. The small property owners did not agree to participate in the cost of establishing improvement districts, and so development was limited to 1.5 FAR. If property owners agreed to an improvement district or if a developer agreed to make the improvements the FAR could be increased to 3.5. We discovered there is a third way to increase the FAR. The Executive Director can determine the infrastructure is adequate and can unilaterally increase the FAR to 3.5.

The 803 Waimanu sewer line will connect to the existing 6-inch Kawaihāo Street sewer line that is more than 100 years old. This aged line runs 200 feet, then connects to the improved line on Cooke Street. The 2008 EIS requires a storm drain. When HCDA was asked if the developer was required to make these improvements, I was first told it would not be fair to ask one developer to be responsible for the entire cost; then I was told the developer was going to control all storm drainage runoff onsite and the city accepted the sewer permit application; and then I was told these issues would be addressed during the building permit process.

The process need to change. Infrastructure must be addressed before development permit applications are approved. If the City & County of Honolulu is responsible for the infrastructure and the Honolulu taxpayer is responsible for the costs, then the City should be given the control.

Pamela Wood
725 Kapiolani Blvd., #3002
[808.781.1732](tel:808.781.1732)



Testimony of Cindy McMillan
The Pacific Resource Partnership

House Committee on Water & Land
Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair

HB 1861 – Relating to the Hawaii Community Development Authority
Saturday, February 08, 2014
8:30 AM
Conference Room 325

Dear Chair Evans, Vice Chair Lowen and members of the committee,

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

PRP offers the following comments on HB 1861, which amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes, establishes additional requirements for development projects before HCDA approval can be granted, and creates an appeal process for HCDA actions and decisions.

PRP believes that revitalizing our urban areas can allow us to find a balance between permitted growth and the preservation of the natural environment, culture, local identity and quality of life. The transformation of Kakaako is underway, and the community is engaged in a vigorous debate about its future.

Our comments on some of the provisions of HB 1861 follow:

- If there is to be a contested case process, consider requiring any person wishing to intervene to file a petition before the hearings are conducted. This will ensure that the perspectives of all parties are appropriately considered prior to decision making.
- Legislative oversight of the community development plan seems to defeat the purpose of the Authority.
- Posting project information on the HCDA website, as is the current practice, gives community members who are unable to attend meetings a good way to be involved in the process.
- Height and density are factors that contribute directly to cost per unit.

February 8, 2014

Testimony Providing Comments on HB 1861 Relating to the Hawaii Community Development Authority

Page 2

- We caution against adding requirements for duplicative studies that will not add substantive information to the decision-making process.
- Additional reporting measures should be feasible and reasonable.
- Unnecessarily prolonging the process and delaying projects adds to the cost and will make housing even more expensive.

Mahalo for the opportunity to present our comments on this issue.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 8:18 AM
To: waltestimony
Cc: barb@punapono.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Barb Cuttance	Individual	Comments Only	No

Comments: Thank you for hearing HB1861. I strongly support this bill. Specifies mandatory, statewide redevelopment policies and processes for urban areas to ensure that redevelopment projects serve all of Hawaii's residents, particularly, by providing sufficient affordable housing and necessary community services while minimizing real estate speculation. Important elements that should NOT be removed Establishes a contested case process, like HB 1860. Authorizes only the legislature to adopt community development plans, not the HCDA board Requires informative and timely posting of public hearing notices and working with residents and landowners in the community in which the proposed project is located. This is to ensure that the area plan and rules are followed and proposed projects do not affect the community, residents or businesses. Requires all members of the legislature and appropriate city or county council members in a district be notified where a project is proposed Requires HCDA to respond orally to all concerns raised by the public at the decision-making hearing before the board makes a decision Requires HCDA to respond orally and in writing as to why modifications recommended by residents were not incorporated before approving the project Requires the same floor area ratio, height limit and infrastructure capacity studies as HB 1860
Barbara Cuttance 14/266 Papaya Farms Road Pahoehoe, Hawaii 96778

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Testimony for Public Hearing
Hawaii State Legislature
Committee on Water and Land
February 8, 2014

Roy Bumgarner
725 Kapiolani Blvd, #1802
Honolulu, HI 96813

Testimony in support of HB1861

My name is Roy Bumgarner and I am a registered voter who resides in the Kakaako District. I am testifying in support of HB 1861.

I have attended a number of public hearings held by the Hawaii Community Development Authority (HCDA) since 2013 and find that there is a lack of public awareness and public participation in the decision making process. When the public is given an opportunity to participate in the process, the measures are unable to be amended. Finally, there is no clear appeal process for concerned citizens to challenge HCDA decisions. Since the members of the HCDA are appointed, there is no direct link to hold them accountable.

This bill addresses my concerns regarding the HCDA and their process and I encourage to Legislature to pass it with no amendments.

**HB 1861
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 8, 2014

Chair Evans and Members of the House Committee on Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 1861, “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.”

In 1976, the Legislature found that Kaka’ako was significantly under-utilized relative to its central location in urban Honolulu and recognized its potential for growth and development and its inherent importance to Honolulu as well as to the State of Hawaii. The Hawaii Community Development Authority (HCDA) was therefore established to promote and coordinate planned public facility development and private sector investment and construction in Kaka’ako. By having a regulatory body completely focused on the planning and zoning for Kaka’ako, it was envisioned that this would result in the effective development of this key economic driver.

One of the provisions in this bill stipulates that the HCDA shall adopt and amend Community Development Plans only as authorized by the Legislature. While we acknowledge that HCDA is the creation of the Legislature, and that the Legislature has oversight over HCDA, we caution that this proposed provision could hamper the overall improvement of Kaka’ako by significantly lengthening the overall HCDA review and

approval process. Economic activity in Kaka’ako is inherently tied to economic and market cycles—the duration of which is unknown and unpredictable. With the Legislature only in Session during a portion of each year, with a significant number of pressing issues to address each Session, land use or area plan approvals for projects may be unduly delayed, potentially missing the economic cycles and therefore effectively ‘shelved’ until the next upturn in the market occurs. These projects may provide various community benefits to Kaka’ako and to the greater community at large, all of which may be delayed or lost as well, as a result of a delayed land use or area plan approval.

We also note that in Section 4, the bill proposes an amendment to require that HCDA adopt community engagement procedures to ensure that the development of proposed buildings do not adversely affect the community or its residents and businesses. We believe that this provision may be overly broad, and provide the opportunity for the recitation of a wide range of perceived adverse impacts, regardless of how small or insignificant, that may be used to deny the approval of a project. We also note that this section requires that all community concerns shall be received, considered, and incorporated into the plans by HCDA. We believe that it is unreasonable to require that all community concerns be essentially adopted by HCDA, notwithstanding their impact to the financial feasibility, design, and operation of the project. We respectfully request continued discussion and close scrutiny of this, as well as other community engagement amendments proposed in other bills, to ensure that, in the end, there is balanced, reasonable, and meaningful community participation

incorporated into the HCDA process that serves to further the vision of Kaka'ako as a revitalized urban community.

Thank you for the opportunity to testify.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:36 PM
To: waltestimony
Cc: eddiejohnson@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eddie Johnson	Individual	Support	Yes

Comments: I support HB 1861 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns. *HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. *Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) * There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:56 PM
To: waltestimony
Cc: amybugala@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Bugala	Individual	Support	No

Comments: I support HB 1861 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns. *HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. *Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) * There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better, as per my testimony for HB 1863). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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Cc: bsuzui@msn.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/6/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bryan Suzui	Individual	Support	No

Comments: In Support of HB 1861 Chairperson Evans and members of the House Committee on Water and Land, I support HB 1861. In my opinion, if a person is adversely affected by an agency's decision, that person should be entitled to a fair hearing to contest the decision. In addition, it would benefit Hawaii's public to establish a higher level of transparency and accountability with this agency. I also support including having Kakaako building height limits and density limits in State law. Passing this bill would accomplish that. I would recommend revising this bill to apply the height limit to ANY building (not just residential). Please pass HB 1861. Thank you for your attention.

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HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKA
KALAELOA

Neil Abercrombie
Governor

Brian Lee
Chairperson

Anthony J. H. Ching
Executive Director

461 Cooke Street
Honolulu, Hawaii
96813

Telephone
(808) 594-0300

Facsimile
(808) 594-0299

E-Mail
contact@hcdaweb.org

Web site
www.hcdaweb.org

STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON WATER & LAND

ON

Saturday, February 8, 2014

8:30 A.M.

State Capitol, Conference Room 325

in consideration of

**H. B. 1861 – RELATING TO THE HAWAII COMMUNITY
DEVELOPMENT AUTHORITY.**

Purpose: Establishes contested case hearing, judicial review process; community engagement and public notice requirements; sets density (FAR) at a maximum of 3.5 and building heights not to exceed 400 feet. The Findings (Section 1) offers that the HCDA has not fulfilled the policies and purposes set out for it by the Legislature.

Position: I am obliged to oppose the proposed findings in Section 1 of the proposal and provide comments relative to the major elements that are proposed. These comments represent my own position and not that of the Authority as I have not had the opportunity to elicit their thoughts and collective response.

Impossible Standard. Page 5 lines 4 to 10 requires the Authority to engage the community to “ensure that proposed projects do not *adversely* affect the community or its residents or business.” It is impossible to meet this standard without establishing specific/objective performance standards to determine what

Testimony reflects the view and position of the Executive Director and not that of the Authority.

constitutes an adverse effect. If the term *adversely* is removed, then the engagement policy reads nearly exactly as it does now.

Page 8 line 14 to 22. “The Authority shall give *serious* consideration to.” Same comment; clarification is needed to understand what “serious” means as there is no objective standard that is established by the proposal to judge the performance of the agency in meeting this standard.

Page 12 line 2 to 3. “Residential development shall provide necessary *and adequate* community facilities *and services* such as *schools*. What does adequate mean? What type of services qualify? How will the residential development provide something that is within the exclusive province of the DOE? Without clarification, does this mean public or private schools? An objective standard needs to be established to judge agency performance. Additionally, this specification should not be in the development plan guidance section, but in a mandate section for clarity.

One Size Does Not Fit All. Strict adoption of the rules would have prohibited the construction of many existing projects, which are currently filled with thousands of Kakaako residents. Royal Capitol Plaza required tower spacing and reserved housing modifications. Similar situations were factors in developing both One Waterfront and Imperial Plaza.

Density Capped at 3.5. With respect to density (FAR) capped at 3.5, I would note that the City BMX (business mixed use) density = 4.0, therefore, this bill would set a lower standard than otherwise prevails throughout the city. I would also note that a density bonus is only given to encourage/support light industrial use (per legislative instruction) and to support private development of reserved housing (one of the most important priorities for our community). I might also note that the C&C BMX-4 allows for density bonuses for production of greater open space. Factoring in the available density bonus, in BMX-4 the maximum density can be 7.5 FAR.

Infrastructure Study. Same comment as for HB 1860.

Thank you for the opportunity to object to the findings cited in Section 1 and to provide comments to specific portions of this proposal.

Thank you for the opportunity to provide our comments on this proposal.



A'ohe hana nui ka alu'ia
"No Task Is Too Big When Done Together By All"

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

735 Bishop Street, Suite 412 * Honolulu, Hawaii 96813
(808) 524-2249 - FAX (808) 524-6893

KIKA G. BUKOSKI
Executive Director

February 7, 2014

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Workers United Union of Roofer
Local 221

Honorable Representative Cindy Evans, Chair
Honorable Representative Nicole Lowen, Vice Chair
Members of the Committee on Water and Land
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: IN OPPOSITION TO HB1861 RELATING TO HCDA
Hearing: Saturday, February 8, 2014, 8:30 a.m. Conference Room 325

Honorable Chair, Vice Chair and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO is a chartered member of the Building and Construction Trades Department, AFL-CIO which was first organized in 1908 and comprised of 16 out of 17 construction trade unions with 386 state, local and provincial councils in the United States and Canada and an estimated 15,000 members locally. Our primary mission being to provide employment opportunities and living wages for many of Hawaii's working men and women in the construction industry.

The Council respectfully OPPOSES HB1861, which amends procedures, requires additional public notice and public input for development projects and rule changes. Establishes additional requirements for development projects before HCDA approval can be granted. Creates and appeals process for HCDA actions and decisions.

The Hawaii Community Development Authority was created in 1976 by the State Legislature to plan future developments of underutilized urban areas in Hawaii. In an effort to balance the increasing challenges of urban sprawl, preserving open space, promoting local agriculture, planning for future growth, and reinvigorating and maximizing high density urban core areas, HCDA has risen to that challenge and the charge given them over three decades ago.

We understand and appreciate that not all will agree with change, especially when it might directly and adversely impact individuals, but sometimes change is necessary in order to evolve and adapt for continued growth and sustainability.

HCDA is not just a single community's issue. It's an island wide issue and a piece of a larger "General" Plan that includes Ewa (Kalaeloa) and Windward (Ko'olaupoko) O'ahu. It's an island wide initiative to direct smart growth concepts to certain areas of the island for certain area specific reasons in order to maximize the efficiencies and deficiencies of the area and improve on what's currently there.

Infrastructure, roadways, modes of travel, maximizing and reinvigorating existing footprint, economic opportunity, quality of life...although just a few, these are all part of the overall plan to improve O'ahu.

The provisions in HB1861 contravene the stated intent and purpose of HCDA as envisioned in 1976. It took great vision and courage to adopt such forward thinking legislation over three decades ago.

It takes even greater vision, coupled with perseverance, resolve, commitment and fortitude to 'realize' that vision and "stay the course"

A known philosopher-poet, Ralph Waldo Emerson once quoted,

"Whatever course you decide upon, there is always someone to tell you that you are ...

There are always difficulties arising that tempt you to believe that your critics are right...

To map out a course of action and follow it to an end requires courage."

This is not 'just' about jobs, this is not just about one community, or one or two individuals, this about recognizing the possibilities (HCDA) before us, identifying and evaluating all of the variable externalities, concerns and considerations; applying the best methods of sustainable planning available today and plotting a 'course' for O'ahu's future...the kind of future we would want to pass on to our next generation.

We urge you to reconsider this measure and allow the Hawaii Community Development Corporation to realize the vision of a "Better O'ahu".

Thank you for the opportunity to provide comments in opposition to HB1861.

A'ohe hana nui ka alu'ia
"No Task Is Too Big When Done Together By All"



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

H.B. NO. 1861, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

BEFORE THE:

HOUSE COMMITTEE ON WATER AND LAND

DATE: Saturday, February 8, 2014 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

Chair Evans and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to establish an appeal process for persons adversely affected by an action or decision of the Hawaii Community Development Authority (HCDA) and require additional public notice, public input, and studies prior to HCDA approval of development projects.

On page 4, lines 4-8, the bill provides for a new section that provides:

§206E-__ Contested case hearing; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for a contested case hearing on the authority's action or decision. Any contested case hearing shall be held in accordance with chapter 91.

We note that to the extent that section 2 of the bill seeks to give persons the opportunity to voice their opposition to the agency's approval of a proposed development, the agency already conducts two separate public hearings as required by section 206E-5.6, Hawaii Revised Statutes.

We also have several concerns regarding this new section. First, it is unclear what constitutes an "action" that may give rise to a person being able to petition for a contested case hearing. This is problematic because the term "action" is very broad. A broad interpretation would likely lead to frivolous petitions. Thus, if the Committee is inclined to pass this bill, we recommend that the term "action" be narrowly defined.

Second, the new section does not provide for a time within which a petition must be filed following the challenged action or decision. The absence of a specific deadline to petition for a

contested case hearing will create confusion and uncertainty. We recommend that a filing deadline of 30 days be imposed, so that finality of the agency's actions can at some point be established.

Third, the title of this new section suggests that it involves both a contested case hearing and judicial review. As written, however, the bill simply provides that a petition for a contested case proceeding may be filed and a contested case hearing shall be conducted. This section does not expressly mention "judicial review." If the reference in the title is to the judicial review provided by section 91-14, HRS, section 91-14 should be expressly referenced. If the intent was for the petition to be filed in Circuit Court, then we do not believe that is the appropriate procedure, as Circuit Courts do not conduct contested case hearings.

Lastly, if the petition is to be filed with HCDA, we believe the more appropriate procedure for such relief would be reconsideration as opposed to instituting a new contested case proceeding. This way, HCDA will clearly have jurisdiction to affirm, modify, or rescind the challenged action or decision. In addition, the party who initiated the proceeding that gave rise to the challenged action or decision will necessarily be a party to the reconsideration hearing – which is important to ensure that the party is accorded the requisite due process before HCDA takes any action on the petition for reconsideration. In addition, if the intent is to ultimately provide for judicial review, this can occur after HCDA has acted upon the petition for reconsideration. Accordingly, if the Committee is inclined to pass this bill, we recommend that the new section on page 4, lines 4-8 be amended as follows:

§206E-__ [~~Contested case hearing~~Reconsideration; judicial review. Any person adversely affected by an action or decision of the authority may file a petition for [~~a contested case hearing on~~ reconsideration within thirty days of the authority's action or decision. [~~Any contested case hearing shall be held in accordance with chapter 91.~~] Proceedings for judicial review of the authority's final decision on the petition for reconsideration shall be in the same manner as provided for in section 91-14.

We respectfully ask the Committee to consider our comments and recommended amendments.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 9:25 AM
To: waltestimony
Cc: aycockburr@aol.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Virginia Aycock	Individual	Support	No

Comments: Please pass this legislation to curtail the activities of HCDA, providing for a contested case proceeding, requiring legislative approval for adoption and amendments to mauka and makai plans and rules. The bill would require HCDA to notify legislature of project proposals environmental assessments, environmental impact statements and the executive director's recommendations regarding project proposals. It requires notice of public hearings to legislature and city council Imposes a maximum 3.5 FAR and 400 foot height limit. And it requires comprehensive infrastructure studies prior to approval of development projects. Thank you for passing this important legislation.

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Sent: Friday, February 07, 2014 9:47 AM
To: waltestimony
Cc: CLSKWOCK@GMAIL.COM
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
CHU LAN SHUBERT-KWOCK	Individual	Support	No

Comments:

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Testimony of
Sharon Moriwaki
Before the
House Committee on Water & Land
Saturday, February 8, 2014, 8:30 a.m., Conference Room 325

In Support of HB 1860 and HB1861, Relating to the Hawaii Community Development Authority

Chairperson Evans and Members of the House Committee on Water and Land

My name is Sharon Moriwaki, a resident of Kaka'ako and president of Kaka'ako United, a group of concerned citizens who have been frustrated with the state agency that is supposed to be the steward of Kaka'ako –600 acres in the City and County of Honolulu. We strongly support HB1860 and 1861, along with other bills your committee is hearing.

The Hawaii Community Development Agency (HCDA) is governed by a very broad statute – chapter 206E, HRS—passed 38 years ago to create a well-planned, mixed density, mixed income, mixed use community in downtown Honolulu.

In 2011, after years of community meetings and input, HCDA approved its Mauka Area Plan and Rules and its Vision and Guiding Principles for the Makai Area. But then, those of us who live, work and play in Kaka'ako began, too slowly, to realize HCDA was using the broad discretion of its governing statute to break the trust we had it would “serve the highest needs and aspirations of Hawaii's people.”

In 2013, HCDA approved 11 projects, almost entirely in line with developers' interests, giving zoning variances without meeting the city's stringent “hardship test” standard for changes in height, density, and closeness between buildings. HCDA violated mauka-makai corridor view planes –assisting developers and shutting out concerns by the public.

HB 1860 and HB1861 will correct these violations of public trust, curbing HCDA's discretion so that it (1) follows the law on public notice and community engagement in working with projects to achieve the plans and rules currently in place; (2) provides clear procedures for citizens to contest HCDA decisions; and (3) implements explicit guidance on buildings, including maximum limits on height (400 feet), density (3.5 floor area ratio), requires necessary schools, a comprehensive study of infrastructure, and imposing impact fees on developers for the additional loads they bring to Kaka'ako.

The two bills are similar but each has preferable passages I suggest be incorporated into one bill. Should your committee combine the two, I attach suggested language for your consideration.

We strongly support HB 1860 and HB1861 and recommend passage.

Thank you for the opportunity to testify.

Suggested revisions to HB1860 to incorporate language from HB1861:

(1) Section 3. Section 206E-5 on community development plan adoption and amendment:

Add language from HB 1861, Section 3, specifically from HB1961 Section 3 at page 3 after “as follows” and before “(f) The authority may amend...”

(f) The authority shall adopt and amend the community development plan ...only as authorized by the legislature. The authority may amend....

(2) Section 5. Section 206E-5.6 on community engagement:

Replace this section with the language from HB 1861 in Section 5 at pp. 5-6 which provides more specific directives on community notice, engagement, and notice to legislators and area councilmembers

(3) Section 6. Section 206E-33 on community development guidance policies:

Replace Section 206E-33 (8) with HB1861 provision in Section 6 at p. 7:

Residential development shall provide necessary and adequate community facilities and services, such as schools....

If you have any questions or need further information please feel free to call Sharon Moriwaki at 428-1348 or email sharonymoriwaki@gmail.com

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 11:14 AM
To: waltestimony
Cc: lindalegrande2243@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Legrande	Individual	Support	No

Comments:

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Cc: ralpheburr@aol.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ralph E. Burr	Individual	Support	No

Comments: I support HB 1861 because: * If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. *HCDA should be more transparent and responsive to community concerns. *HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. *Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.) * There is a growing wall of concrete in Kakaako that is spoiling beautiful public vistas of the last remaining shoreline of urban Honolulu. Buildings in Kakaako should have stricter limits on height and density, more in line with the City's standards. A density limit of 3.5 FAR with height limit of 400 feet is reasonable (although a density limit of 1.5 would be even better). * I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

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KAMEHAMEHA SCHOOLS

February 7, 2014

WRITTEN TESTIMONY TO THE HOUSE COMMITTEE ON WATER AND LAND

By

Walter F. Thoemmes
Kamehameha Schools

Hearing Date: February 8, 2014
8:30 a.m. Conference Room 325

To: Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
Members of the House Committee on Water and Land

RE: Comments for House Bill Nos. 1860, 1861, 1863, and 1867 Relating to the Hawaii Community Development Authority (collectively, the “Bills”)

As an organization dedicated to the education of Native Hawaiians, and longtime steward of legacy lands to perpetuate that mission, Kamehameha Schools (KS) provides the following comments to the Bills.

KS has spent years and valuable resources developing the Kaiāulu ‘O Kaka‘ako Master Plan (the “Master Plan”) for its legacy lands. The Master Plan is more than a set of zoning rules. Instead, it is a plan of holistic and comprehensive development framed by careful study, extensive community input and a commitment to stewardship of our lands in Kaka‘ako. Accordingly, the Plan is rooted in three core values: (i) a deep understanding and commitment to the surrounding community, its economic and social vitality, and its vested stakeholders; (ii) the creation of a sustainable and vibrant cultural life through sustainable land and building practices; and (iii) as first articulated by the State Legislature in 1976 and re-affirmed by enthusiastic community support in 2004, the cultivation of a mixed-use “urban village” and “urban-island culture” within the Honolulu’s core.

These values (and the current Master Plan) were developed in concert with extensive stakeholder meetings and workshops with representatives from the Kaka‘ako Improvement Association, the Kaka‘ako Neighborhood Board, Enterprise Honolulu and the Hawaii Community Development Authority (“HCDA”) solicitation and input over the last ten years. The parties understood that developing an urban village involves substantially more than creating new building structures and constructing residential housing. It requires a commitment to the community and providing the types of urban-island lifestyle choices demanded by those who make Kaka‘ako their home. In this way, the Master Plan serves as the community’s collective blueprints for the economic and social fabric of Kaka‘ako.

Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
Members of the House Committee on Water and Land
Testimony relating to House Bill Nos. 1860, 1861, 1863, and 1867 Relating to the Hawaii Community
Development Authority
February 7, 2014
Page 2

Prior to KS' Master Plan application submission to HCDA in November 2008, KS met with HCDA staff, planning professionals, and its greater community to develop the Master Plan. Since then, the public had the opportunity to comment on KS' Master Plan. HCDA took formal action to ensure public input on the plan including (1) mailing almost 12,000 flyers to persons on its "Connections" list, (2) posting the Master Plan on its website, (3) inviting comments from the public through an on-line site and a telephone comment line, (4) holding a community meeting for additional public input, (5) working with KS to address public comments, (6) conducting a contested case hearing (noticed and open to the public), and (7) holding a public hearing for final decision making.

By September 2009, when the Master Plan was adopted, the public had the opportunity to review and comment on the Master Plan for more than nine months and HCDA provided numerous comments to KS on changes to the Master Plan to address public input.

Like blueprints for any major project, changes to carefully crafted rules should not be made in piecemeal without regard to its effects on the whole community. Throughout the formulation of the Master Plan, stakeholders understood the importance, for example, of density in order to create a critical mass within the Master Plan area to ignite and sustain the revitalization of the Kaka'ako area. Simultaneously, planners balanced urban density with natural open public space to promote a healthy and sustainable community with renewed energy and spirit. Thus, spot changes to carefully reviewed plans and rules would undermine the economic and social fabric woven by the community without regard to the consequences on the entire neighborhood. Early entrants into this developing community should not be able to thwart the opportunity for thousands of new residents.

In the past four years, KS has devoted its resources to have its blueprint implemented by the completion of Six Eighty (a reserve housing rental project), its continuing development of the SALT project (with a focus on nurturing developing small businesses), and its work with developers to provide a variety of housing alternatives. KS is asking for these pieces of a complex puzzle be allowed to finally come together to create the urban village with an island-urban culture as envisioned by the Master Plan, for the benefit of the larger community of Honolulu and its residents. Time is of the essence.

Many provisions of the Bills are in conflict with what has already been approved under the Master Plan. Implementation of the Master Plan is well underway and changing the rules at this point is fundamentally unfair and will halt the current momentum of developing a vibrant, sustainable community of people, culture, business enterprises and natural open spaces.

Thank you for the opportunity to provide our comments on these Bills.

Testimony for the
House Committee on Water & Land
Saturday, 0830 hrs, February 8, 2014
House Bill 1861
Relating to the Hawaii Community Development Authority (HCDA)

Chairperson Evans and Members of the Committee on Water and Land

My name is Grace Ishihara and I am a resident of Kakaako. Thank you giving me this opportunity to submit a testimony.

I support HB 1861 for the following reasons:

- If a person is adversely affected by a decision made by HCDA, he or she should be allowed to request a hearing to contest the decision. Apparently there is no process written in the rules on how the Authorities will deal with a person or group that contests the HCDA's decision.
- HCDA should be more transparent and responsive to community concerns. I have attended HCDA's hearings and supplemental hearings on 801 South St Tower B. The community's concerns were not heard and they did not provide an adequate response. The Authorities kept trying to shift the responsibilities of traffic and infrastructure studies to the City. At the last HCDA hearing for the 801 South St Tower B, the HCDA Chairman also accused a resident of the Royal Capitol Plaza that he was throwing every reason there was on the wall to see which one will stick to delay the project. Is this what the Chairman of HCDA should say to a resident of Kaka'ako? (Dec 4, 2014 hearing)
- HCDA should be made more accountable, with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects. I also think that HCDA should not be able to approve variances requested by the developer without legislative authorization.
- Developers of condos should be required to perform impact studies (just as developers are required to do everywhere else on Oahu) to evaluate sewers, roads, utilities including water and electricity, emergency services, schools, parks, and other infrastructure requirements needed for the additional number of residents. If infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (as is required for developers everywhere else on Oahu.)
- I would like "smart urban" development and not "fast" development. Just because the interest rates are low and the demand is high doesn't mean that you must develop at full speed and approve anything that comes through the in-box. HCDA must be in line with the City's standards and should have stricter limits on height and density. A density limit of 3.5 FAR with height limit of 400 feet is reasonable, although a density limit of 1.5 would be even better.
- I also agree to recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

Again, I support HB 1861 and urge the members of the committee to pass this bill. The future of Kaka'ako and Oahu is at the mercy of these "development-happy" Authorities that are appointed by the Governor who is running for re-election.

Grace Ishihara

ue-wale0903@hotmail.com

Antonio Espiritu
109 Karsten Drive
Wahiawa, HI 96786

February 8, 2014

State of Hawaii House of Representatives
House Committee on Water & Land
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867
Relating to the Hawaii Community Development Authority and the
Kakaako Community Development District

I am *Antonio Espiritu*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Antonio Espiritu

Harold Slate
225 Kaiulani Av #605
Hon. Hi. 96815

February 8, 2014

State of Hawaii House of Representatives
House Committee on Water & Land
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867
Relating to the Hawaii Community Development Authority and the
Kakaako Community Development District

I am *Harold Slate*, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,

Harold Slate
Outside1952@yahoo.com

Dellas Alexander
dellas96819@gmail.com

February 8, 2014

State of Hawaii House of Representatives
House Committee on Water & Land
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

Subject: HB 1860, HB 1861, HB 1863, HB 1864, HB 1865, HB 1866, and HB 1867
Relating to the Hawaii Community Development Authority and the
Kakaako Community Development District

I am Dellas Alexander, a member of the Hawaii Regional Council of Carpenters.

I strongly urge your support of the Hawaii Community Development Authority (HCDA) and the vision of Kakaako. The authority and vision will:

- ✓ *Provide a live, work, play, mixed-use development in the urban-core*
- ✓ *Add new housing including affordable homes and homes for seniors – built by Hawaii workers*
- ✓ *Bring a sense of shared values with neighbors*
- ✓ *Create housing near public transit*
- ✓ *Generate new County and State taxes*
- ✓ *Address population growth and needs*
- ✓ *Create construction and permanent jobs*
- ✓ *Keep country, country*

We have waited a long time for the development of housing, parks, open areas, as well as new commercial and industrial space near the downtown core. Please don't make any changes and delay the vision of Kakaako.

Thank you for allowing me to share my views.

Sincerely,



Dellas Alexander

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 1:49 PM
To: waltestimony
Cc: daneknish@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Nishimura	Individual	Support	No

Comments: I support this bill because: • Any person adversely affected by HCDA's decisions should have the right to file for a contested case proceeding. • There needs to be a higher level of transparency and accountability with HCDA, to both the community and to state legislators • There needs to be better limits on building height and building density in Kakaako. This bill addresses this problem, and suggests certain limits. A density limit of 1.5 FAR would be even better than what is stated in this bill, to help to preserve open spaces in this area (as worded in HB 1863). • There should also be more space between buildings. I would add to this bill a minimum distance of 300 feet between buildings (as worded in HB 1863)

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 1:50 PM
To: waltestimony
Cc: leiotaloha@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Nishimura	Individual	Support	Yes

Comments: Testimony before the House Committee on Water and Land Saturday, Feb. 8, 2014. 8:30am Dear Chairwoman Evans and Members of the House Committee on Water and Land, My name is Julie Nishimura, and I support HB 1861. I agree that there should be effective engagement of the community during development planning. This bill establishes ways of keeping the community and the legislature better-informed about plans for Kakaako. This bill would also require infrastructure studies prior to development approvals (studies of sewers, roads, water, utilities, emergency services, schools, parks), to make sure that the community's needs are properly met. The bill also allows citizens a process for contesting a decision, if they are adversely affected by the decision. Due to the large amount of buildings planned for Kakaako, I agree with this bill about establishing limits on building height and density. I am concerned about the possible plans for a 650-foot tower, which would block public views of Diamond Head from anywhere Ewa of the tower. We should not underestimate the importance of public access to views in Hawaii. It is one of the major factors that drives the health of our tourism industry. And tourism affects all of us, directly or indirectly, through its impact on the economy and provision of jobs. Also, for local Hawaii residents, being able to enjoy the islands' natural beauty is one of the best things about living in this state. People from all over Oahu travel through areas inland of Kakaako, (such as Makiki), as well as through Kakaako itself. Right now, facing the ocean from Makiki, the public can enjoy open stretches of Hawaii's brilliant blue skies. It would be very sad to see this blocked off by a wall of concrete. Considering the large number of condos planned for Kakaako, a density limit of 1.5 FAR might be better than what is stated in this bill (as worded in HB 1863). A height limit should also be established (the bill should be amended to apply the limits to all buildings, not just residential). I would also like to see a minimum distance of 300 feet between buildings that are more than 100 feet tall (as worded in HB 1863), and a mauka-makai axis restriction as worded in HB 1867. I urge you to pass HB 1861. Thank you for the opportunity to submit testimony.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 1:52 PM
To: waltestimony
Cc: scoleman@surfrider.org
Subject: Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

HB1864

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stuart Coleman	Individual	Support	No

Comments: My name is Stuart Coleman, and I am a writer, teacher and pro-activist in the McCully area. I'm writing to express my strong support for HB 1864. I strongly support abolishing HCDA because this shadowy government agency has no oversight and has shown a reckless desire to develop Kaka'ako. I also support other bills that curb their actions, including those being heard on 2/8: HB1860, HB1861,HB1863,HB1865,HB1866,AND HB1867.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Support Bills in Legislature re HCDA

I support all of the bills, HB1860 through HB1867, introduced by Representative Scott Saiki and others since all contain some measure of restraint on the Hawaii Community Development Authority (HCDA). HCDA needs to be restrained and reconstituted or repealed because of excessive use of its power and authority to favor developers' interests over the well-being of the Kaka'ako community. My comments relate to the Kaka'ako mauka/makai area.

I support **HB1860** since it requires accountability and transparency in HCDA's actions; provides for contested case proceedings with judicial review, expanded public notice requirements, and legislative authority over amendments to mauka and makai area plans and rules; defines Kaka'ako community development policies; and requires comprehensive studies and plans for infrastructure capacity in the area plus a requirement to impose impact fees on developers.

I support **HB1861** since it reiterates and expands on much-needed provisions of HB1860.

I support **HB1862** since it addresses issues of "reserved housing" and "affordable housing" under Hawaii Revised Statutes that have not been properly defined or carried out by HCDA. It would require HCDA to implement affordable housing policies that are in greater conformity with those of the City and County of Honolulu.

I support **HB1863** since it provides for minimum horizontal separation of 300 feet between buildings that are more than 100 feet in height. (HCDA recently approved a developer's proposals at 801 South Street for buildings more than 100 feet in height to be immediately adjacent to each other, an egregious example of what HCDA is willing to do.) Since HCDA needs to be restrained, eliminating its budget for one year would be one way to do it.

I especially support **HB1864** since it repeals the authority of HCDA under Chapter 206E, Hawaii Revised Statutes, while providing for an orderly transition of duties and functions from HCDA to the City and County of Honolulu, and includes job protection with the State for current HCDA employees. A seamless transition over a one-year period to the City and County is a better option than trying to reform or reconstitute HCDA.

Kaka'ako has grown so much in population and is expected to grow more with projects already approved that it needs to be fully integrated with the larger Honolulu community under City and County auspices. Infrastructure in particular needs to be integrated, and the rail line with stations in Kaka'ako also points to needed integration.

I also especially support **HB1865** which places a one-year moratorium on HCDA approving any plans or proposals for development in the Kaka'ako community development district. A one-year moratorium would provide time for the legislature to consider the best long-term considerations for Kaka'ako, where developments already approved plus those under construction in many cases exceed the capabilities of infrastructure in the area.

I support **HB1866** since it provides for reconstituting HCDA with members to be appointed from lists of nominees received from the state legislature and other community entities rather than largely from the executive branch. An important feature of this bill is that HCDA's rule making and various operations would be subject to prior approval by the legislature.

I support **HB1867** for its amendments to Chapter 206E, Hawaii Revised Statutes: HCDA must require, prior to receipt of any application for a development permit, a project eligibility review of the development project, and shall obtain approval from applicable governmental agencies regarding the adequacy of infrastructure requirements. HCDA may not grant any variance, exemption, or modification to any provision of any rule or development plan relating to maximum floor area ratio. Limits on building heights and distance between buildings are also important.

Provisions of **HB1867** are important to have in addition to those of other major bills in the **HB1860's** list. If measures in this bill had been in effect, HCDA would not have been able to accept applications for several development projects they recently approved.

For example, HCDA accepted the developer's application for 801 South Street, Phase 2, without requiring the Traffic Impact Assessment Report (TIAR) requested by the City and County Department of Transportation Services. HCDA's website for the proposed development includes a July 2013 memorandum from a traffic management company in Honolulu that primarily describes street improvements and level of service on Kawaiahao Street, the Phase 1 side of the block, not useful for Phase 2. Since the Phase 1 garage now under construction has 915 parking stalls for 635 units in the residential tower, even though there's an alley connecting the two, the driveway to Kawaiahao will have its own traffic buildup, not useful for Phase 2 which exits to Kapiolani Boulevard. The memo's statement about level of service to Kapiolani is incorrect compared to McKinley High School's 2011 EIS traffic analysis. A trip generation summary is clearly inaccurate based on the 788 parking stalls planned for the Phase 2 garage.

HCDA should have rejected the developer's traffic memorandum as inaccurate and inadequate for the purpose for which it was submitted. As of today, in the first week in February 2014, the inaccurate traffic memorandum remains on HCDA's website and there is no TIAR as requested by Director Michael Formby of the Department of Transportation Services. HCDA ignored the City and County request and approved Phase 2 development without a TIAR.

Everyone who drives in and out of downtown Honolulu, especially the Capitol district, via Kapiolani, King Street or South Street should be concerned about the additional 1700 vehicles from the two units of 801 South that will be driving in and out of one block immediately back of the historic Advertiser/News building.

Another example of HCDA disregarding its own rules and government agency requirements is their failure to require the developer at 801 South Street, Phase 2, to submit their plans for the historic Advertiser/News building on the property to the State of Hawaii's Department of Land

and Natural Resources for review. A letter dated August 29, 2013 from an official in a division of that department to HCDA's executive director reminded HCDA of the requirement according to HCDA's 2011 Mauka Area Rules. According to the rules which apply to all historical or culturally significant properties, a written letter of concurrence from the State Historical Preservation Division (SHPD) shall be included with the permit application to HCDA, and all SHPD requirements shall be completed by the developer prior to submitting the application.

If HB1867 had been in effect at the time, HCDA would not have been able in September 2011, effective November 11, 2011, to write the one and one-half page subchapter on Workforce Housing Project(s) rules that was tacked onto the end of Kaka'ako Reserved Housing Rules in Title 15, Subtitle 4, Chapter 218. The subchapter says workforce housing project(s) shall receive a floor area bonus of one hundred percent (double density FAR), provided that such bonus floor area shall be used for workforce housing project(s) only. Being able to build up to a double density FAR is a large financial benefit for developers.

One of the criteria for determining that a project is a workforce housing project is when it does not require financial assistance for construction from Federal, State, or County governmental bodies. Claiming that 801 South Street was workforce housing, the developer applied for modification to build a free standing 107-foot high parking structure rather than a 65-foot high podium parking structure in order to be more cost effective. We do not understand why increased floor area density and construction modifications approved by HCDA are not considered financial assistance from a governmental body.

Another example of HCDA disregarding its own rules: Under 2005 Mauka Area rules on affordability criteria, one-half of a percentage point (0.5%) could be subtracted from six-months average interest rates on thirty year fixed rate mortgages. In 2011 Mauka Area rules the affordability criteria did not include subtraction of 0.5%. Yet in its August 2013 permit application for 801 South Street, the developer subtracted 1/2% from the six month average and HCDA accepted the application. Other factors not questioned by HCDA point to a project given benefits of a workforce housing project that may not actually meet the defined criteria.

A Star Advertiser article of August 22, 2012 said a developer (who was later the developer of 801 South Street) had a deal to buy the News Building property but hadn't completed a sale. The article also said HCDA executive director Anthony Ching had met with representatives of the developer about the project. The Kaka'ako community and others in Honolulu appreciate news reports of development projects; HCDA isn't likely to inform us. The 801 South Street project is one of many that need the attention of concerned citizens. In the meantime, I support HB1864 that repeals HCDA's authority and others that limit its authority.

Thank you for the opportunity to comment on proposed legislation.

Mary Caywood, geckoyard@hotmail.com

lowen2-Lanaly

From: Web Nolan <webnolan@hawaii.rr.com>
Sent: Wednesday, February 05, 2014 12:05 PM
To: waltestimony
Subject: Testimony by Webster Nolan in support of HB1861

Testimony by Kakaako resident Webster K. Nolan in support of HB1861 for House WAL Committee hearing on Saturday February 8,

I strongly support HB1861 because it responds positively and specifically to a persistent concern among Kakaako residents that the Authority has failed to meet its statutory obligation (HRS Chapter 206E-5.5: Community and public notice requirements) to engage “effectively and meaningfully” with the community in the HCDA decision-making processes.

This bill specifies that, “upon receipt” of any new development proposal, the Authority provide to key State and City legislators copies of the proposal, the project’s environmental assessment or impact statement, and the recommendation of the HCDA executive director regarding the project. It further sets a deadline (two weeks prior to a decision-making hearing on the project) for the Authority to provide these legislators with a report “detailing” the public’s comments and the Authority’s response about any concerns raised at a public hearing or in written testimony.

Heretofore, concerned residents had no way of knowing if all the Authority’s board members had actually heard or read their testimony at public hearings, or whether they discussed the public concerns among themselves, or if, in their decision-making, they were merely endorsing the statements, opinions and recommendations of the executive director.

This bill gives at least some assurance that the board members will pay closer attention to the concerns of residents because they (the board members) could be called upon individually by the legislature to explain their votes on specific projects.

In fact, the bill goes even further on this point, by requiring the Authority to respond orally to all concerns raised by the public at the decision-making hearing, and additionally “to explain in detail, both in writing and orally, the reasons why modifications suggested by people affected by the project have not been incorporated into its decision to approve the project.”

The decision-making process in the case of the “801 South Street Phase II” projects serves as an example of why residents are deeply concerned about the Authority’s behavior. Residents and others raised many questions in public hearings about the claimed affordability of the units, the possibility of speculation and flipping in the sale of the units supposedly dedicated to providing home ownership to Hawaii’s “hard working people,” the social impact of having four 40-story condominium buildings with several thousand residents packed together in close proximity, substantial increases in noise and traffic, substantial loss of open space and privacy, and many more issues. The Authority rarely gave clear and complete answers to these matters. HB1861 address this gaping flaw in the decision-making process, and I urge the committee and the legislature to approve it.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 2:44 PM
To: waltestimony
Cc: eo50@icloud.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Okamura	Individual	Support	No

Comments: HCDA should be more transparent and responsive to the community. Any individual or group should be allowed to contest a decision made by HCDA if they are adversely affected.

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Testimony of
Michael Korman
Before the
House Committee on Water & Land
House Bill 1861
Relating to the Hawaii Community Development Authority

Chairperson Evans and Member of the House Committee on Water and Land

My name is Michael Korman, and as a local citizen very concerned about Kaka'ako, I urge you to support House Bill 1861 and all the House Bills 1860 to 1867.

I am providing this written testimony because I am extremely concerned about the future landscape of Kaka'ako in terms of how high the buildings will be, how close together, and how large they will be relative to their foot print on the ground.

Although I am in favor of community redevelopment as an economically and socially viable course of action, the HCDA's current operating system does not effectively take into consideration the health and quality of life of the existing Kaka'ako neighbors. HCDA should be more responsive to community concerns. Furthermore, HCDA needs more oversight by legislators. It should not be allowed to change building rules without legislative authorization.

HCDA has created, modified and even failed to follow their own rules because there is no oversight over their actions. HB 1860 requires HCDA to adopt and amend the plan only when authorized by the legislature. I suggest the clearer language of HB 1860 on requiring HCDA to submit any amendments and justification to the legislature and only upon 2/3 vote on a concurrent resolution can the plan or rules be adopted.

Currently planned housing projects will negatively influence the quality of the air, the open space, and the quiet atmosphere that led current residents to select this neighborhood as home. Kaka'ako citizens feel helpless with personal wellbeing and quality of life in jeopardy. If a person is adversely affected by HCDA's decisions, there should be a fair and clear administrative procedure to contest the decision.

Without thoughtfully-implemented plans, HCDA will foster overbuilding, which will lead to overcrowding and related health and safety problems. Today, HCDA's organizational practices favor the real estate developers who plan to come into our neighborhoods, create huge closely-spaced buildings, and then disappear with their giant profits and without any harmful ramifications.

Developers of Kaka'ako condos should be required to perform impact studies (just like elsewhere on Oahu) to evaluate sewers, roads, utilities including water and electricity, schools, parks, and other infrastructure requirements needed for the additional number of residents. Access to emergency services should be evaluated as well. If any infrastructure improvements are needed, the developer should be required to pay the necessary impact fees (just like elsewhere on Oahu).

There is a growing wall of concrete in Kaka'ako and new buildings should have stricter limits on height and density, similar to the City's standards. A density limit of 1.5 FAR (or 3.5 FAR at worse case) with height limit of 400 feet is reasonable. A minimum distance of 300 feet should be maintained between buildings that are more than 100 feet tall.

HCDA does not now work with the community or area legislators or councilpersons to ensure project developments follow the plan and rules and do not adversely affect community residents. HB1861 fixes this problem by requiring HCDA to give notice and needed information to legislators, district councilmembers and community residents so they can meaningfully participate; and report to legislators and district councilmembers on each project, including their responses on how they incorporated community concerns, before they approve a project.

Existing residents have minimal say in the present housing approval process, yet they are the ones who will feel the impact of overcrowding for the rest of their lives. HCDA should not have the authority to waive current rules when it comes to how a building looks. Master development plans and rules were made to be followed by everyone.

I enthusiastically urge you to pass HB1861 to protect Kaka'ako and its residents for many generations to come. Thank you very much for your consideration.

Michael Korman

February 4, 2014

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 7:30 PM
To: waltestimony
Cc: drlspina@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laila Spina	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 8:21 PM
To: waltestimony
Cc: suzanne@punapono.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/4/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Support	No

Comments: If you cannot REPEAL the HCDA then please PASS this Bill while keeping the following elements: Establishes a contested case process, like HB 1860. Authorizes only the legislature to adopt community development plans, not the HCDA board Requires informative and timely posting of public hearing notices and working with residents and landowners in the community in which the proposed project is located. This is to ensure that the area plan and rules are followed and proposed projects do not affect the community, residents or businesses. Requires all members of the legislature and appropriate city or county council members in a district be notified where a project is proposed Requires HCDA to respond orally to all concerns raised by the public at the decision-making hearing before the board makes a decision Requires HCDA to respond orally and in writing as to why modifications recommended by residents were not incorporated before approving the project Requires the same floor area ratio, height limit and infrastructure capacity studies as HB 1860

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DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

KIRK CALDWELL
MAYOR



LORI M.K. KAHIKINA, P.E.
DIRECTOR

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 14-20

February 5, 2014

The Honorable Cindy Evans, Chair
and Members of the Committee on
Water & Land
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Evans and Members:

SUBJECT: House Bill 1861, Relating to the
Hawaii Community Development Authority

The Department of Environmental Services, City and County of Honolulu has significant concerns regarding and opposes Section 6 of House Bill (HB) 1861, Relating to the Hawaii Community Development Authority, purporting to create a new Hawaii Revised Statutes (HRS) Section 206E-33(10) that requires the following:

"Before approving development projects, the [Hawaii Community Development] Authority shall require comprehensive studies of and plans for the infrastructure capacity of the sewers . . . to ensure that they meet the needs generated by the additional number of anticipated residents and, where improvements are needed, the authority shall accordingly impose the necessary impact fees on the developer."

The City and County of Honolulu is responsible for and provides the wastewater (sewer) service for the Kakaako community development district, as defined by HRS § 206E-32. The City and County approves wastewater connection permits and determines the adequacy of the wastewater system to accommodate such additional development. For additional capacity required for a new development on an existing property, the City and County charges developers a Wastewater System Facility Charge established by City Ordinance to account for their impact on the wastewater system. Such a facility charge may be offset by the developers' construction of necessary wastewater system improvements to support their development.

The Honorable Cindy Evans, Chair
February 5, 2014
Page 2

Neither the State nor the Hawaii Community Development Authority has the responsibility or authority to determine sewer adequacy or to impose and collect "impact" fees related to the City and County's wastewater system and sewer improvements. Consequently, the reference to "sewers" should be removed from HB 1861 and the proposed HRS Section 206-33(10).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina". The signature is fluid and cursive, with a large initial "L" and "K".

Lori M.K. Kahikina, P.E.
Director



Testimony of Cindy McMillan
The Pacific Resource Partnership

House Committee on Water & Land
Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair

HB 1861 – Relating to the Hawaii Community Development Authority
Saturday, February 08, 2014
8:30 AM
Conference Room 325

Dear Chair Evans, Vice Chair Lowen and members of the committee,

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters.

PRP offers the following comments on HB 1861, which amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes, establishes additional requirements for development projects before HCDA approval can be granted, and creates an appeal process for HCDA actions and decisions.

PRP believes that revitalizing our urban areas can allow us to find a balance between permitted growth and the preservation of the natural environment, culture, local identity and quality of life. The transformation of Kakaako is underway, and the community is engaged in a vigorous debate about its future.

Our comments on some of the provisions of HB 1861 follow:

- If there is to be a contested case process, consider requiring any person wishing to intervene to file a petition before the hearings are conducted. This will ensure that the perspectives of all parties are appropriately considered prior to decision making.
- Legislative oversight of the community development plan seems to defeat the purpose of the Authority.
- Posting project information on the HCDA website, as is the current practice, gives community members who are unable to attend meetings a good way to be involved in the process.
- Height and density are factors that contribute directly to cost per unit.

February 8, 2014

Testimony Providing Comments on HB 1861 Relating to the Hawaii Community Development Authority

Page 2

- We caution against adding requirements for duplicative studies that will not add substantive information to the decision-making process.
- Additional reporting measures should be feasible and reasonable.
- Unnecessarily prolonging the process and delaying projects adds to the cost and will make housing even more expensive.

Mahalo for the opportunity to present our comments on this issue.

**HB 1861
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 8, 2014

Chair Evans and Members of the House Committee on Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on HB 1861, “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.”

In 1976, the Legislature found that Kaka’ako was significantly under-utilized relative to its central location in urban Honolulu and recognized its potential for growth and development and its inherent importance to Honolulu as well as to the State of Hawaii. The Hawaii Community Development Authority (HCDA) was therefore established to promote and coordinate planned public facility development and private sector investment and construction in Kaka’ako. By having a regulatory body completely focused on the planning and zoning for Kaka’ako, it was envisioned that this would result in the effective development of this key economic driver.

One of the provisions in this bill stipulates that the HCDA shall adopt and amend Community Development Plans only as authorized by the Legislature. While we acknowledge that HCDA is the creation of the Legislature, and that the Legislature has oversight over HCDA, we caution that this proposed provision could hamper the overall improvement of Kaka’ako by significantly lengthening the overall HCDA review and

approval process. Economic activity in Kaka’ako is inherently tied to economic and market cycles—the duration of which is unknown and unpredictable. With the Legislature only in Session during a portion of each year, with a significant number of pressing issues to address each Session, land use or area plan approvals for projects may be unduly delayed, potentially missing the economic cycles and therefore effectively ‘shelved’ until the next upturn in the market occurs. These projects may provide various community benefits to Kaka’ako and to the greater community at large, all of which may be delayed or lost as well, as a result of a delayed land use or area plan approval.

We also note that in Section 4, the bill proposes an amendment to require that HCDA adopt community engagement procedures to ensure that the development of proposed buildings do not adversely affect the community or its residents and businesses. We believe that this provision may be overly broad, and provide the opportunity for the recitation of a wide range of perceived adverse impacts, regardless of how small or insignificant, that may be used to deny the approval of a project. We also note that this section requires that all community concerns shall be received, considered, and incorporated into the plans by HCDA. We believe that it is unreasonable to require that all community concerns be essentially adopted by HCDA, notwithstanding their impact to the financial feasibility, design, and operation of the project. We respectfully request continued discussion and close scrutiny of this, as well as other community engagement amendments proposed in other bills, to ensure that, in the end, there is balanced, reasonable, and meaningful community participation

incorporated into the HCDA process that serves to further the vision of Kaka'ako as a revitalized urban community.

Thank you for the opportunity to testify.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 12:24 AM
To: waltestimony
Cc: kkbtr@earthlink.net
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Vivien Tham	Individual	Support	No

Comments:

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KAMEHAMEHA SCHOOLS

February 7, 2014

WRITTEN TESTIMONY TO THE HOUSE COMMITTEE ON WATER AND LAND

By

Walter F. Thoemmes
Kamehameha Schools

Hearing Date: February 8, 2014
8:30 a.m. Conference Room 325

To: Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
Members of the House Committee on Water and Land

**RE: Comments for House Bill Nos. 1860, 1861, 1863, and 1867 Relating to the Hawaii
Community Development Authority (collectively, the “Bills”)**

As an organization dedicated to the education of Native Hawaiians, and longtime steward of legacy lands to perpetuate that mission, Kamehameha Schools (KS) provides the following comments to the Bills.

KS has spent years and valuable resources developing the Kaiāulu ‘O Kaka‘ako Master Plan (the “Master Plan”) for its legacy lands. The Master Plan is more than a set of zoning rules. Instead, it is a plan of holistic and comprehensive development framed by careful study, extensive community input and a commitment to stewardship of our lands in Kaka‘ako. Accordingly, the Plan is rooted in three core values: (i) a deep understanding and commitment to the surrounding community, its economic and social vitality, and its vested stakeholders; (ii) the creation of a sustainable and vibrant cultural life through sustainable land and building practices; and (iii) as first articulated by the State Legislature in 1976 and re-affirmed by enthusiastic community support in 2004, the cultivation of a mixed-use “urban village” and “urban-island culture” within the Honolulu’s core.

These values (and the current Master Plan) were developed in concert with extensive stakeholder meetings and workshops with representatives from the Kaka‘ako Improvement Association, the Kaka‘ako Neighborhood Board, Enterprise Honolulu and the Hawaii Community Development Authority (“HCDA”) solicitation and input over the last ten years. The parties understood that developing an urban village involves substantially more than creating new building structures and constructing residential housing. It requires a commitment to the community and providing the types of urban-island lifestyle choices demanded by those who make Kaka‘ako their home. In this way, the Master Plan serves as the community’s collective blueprints for the economic and social fabric of Kaka‘ako.

Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
Members of the House Committee on Water and Land
Testimony relating to House Bill Nos. 1860, 1861, 1863, and 1867 Relating to the Hawaii Community
Development Authority
February 7, 2014
Page 2

Prior to KS' Master Plan application submission to HCDA in November 2008, KS met with HCDA staff, planning professionals, and its greater community to develop the Master Plan. Since then, the public had the opportunity to comment on KS' Master Plan. HCDA took formal action to ensure public input on the plan including (1) mailing almost 12,000 flyers to persons on its "Connections" list, (2) posting the Master Plan on its website, (3) inviting comments from the public through an on-line site and a telephone comment line, (4) holding a community meeting for additional public input, (5) working with KS to address public comments, (6) conducting a contested case hearing (noticed and open to the public), and (7) holding a public hearing for final decision making.

By September 2009, when the Master Plan was adopted, the public had the opportunity to review and comment on the Master Plan for more than nine months and HCDA provided numerous comments to KS on changes to the Master Plan to address public input.

Like blueprints for any major project, changes to carefully crafted rules should not be made in piecemeal without regard to its effects on the whole community. Throughout the formulation of the Master Plan, stakeholders understood the importance, for example, of density in order to create a critical mass within the Master Plan area to ignite and sustain the revitalization of the Kaka'ako area. Simultaneously, planners balanced urban density with natural open public space to promote a healthy and sustainable community with renewed energy and spirit. Thus, spot changes to carefully reviewed plans and rules would undermine the economic and social fabric woven by the community without regard to the consequences on the entire neighborhood. Early entrants into this developing community should not be able to thwart the opportunity for thousands of new residents.

In the past four years, KS has devoted its resources to have its blueprint implemented by the completion of Six Eighty (a reserve housing rental project), its continuing development of the SALT project (with a focus on nurturing developing small businesses), and its work with developers to provide a variety of housing alternatives. KS is asking for these pieces of a complex puzzle be allowed to finally come together to create the urban village with an island-urban culture as envisioned by the Master Plan, for the benefit of the larger community of Honolulu and its residents. Time is of the essence.

Many provisions of the Bills are in conflict with what has already been approved under the Master Plan. Implementation of the Master Plan is well underway and changing the rules at this point is fundamentally unfair and will halt the current momentum of developing a vibrant, sustainable community of people, culture, business enterprises and natural open spaces.

Thank you for the opportunity to provide our comments on these Bills.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 11:14 PM
To: waltestimony
Cc: morik369@hawaiiantel.net
Subject: *Submitted testimony for HB1865 on Feb 8, 2014 08:30AM*

HB1865

Submitted on: 2/5/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Morikawa	Individual	Support	No

Comments:

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 1:49 PM
To: waltestimony
Cc: daneknish@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Nishimura	Individual	Support	No

Comments: I support this bill because: • Any person adversely affected by HCDA's decisions should have the right to file for a contested case proceeding. • There needs to be a higher level of transparency and accountability with HCDA, to both the community and to state legislators • There needs to be better limits on building height and building density in Kakaako. This bill addresses this problem, and suggests certain limits. A density limit of 1.5 FAR would be even better than what is stated in this bill, to help to preserve open spaces in this area (as worded in HB 1863). • There should also be more space between buildings. I would add to this bill a minimum distance of 300 feet between buildings (as worded in HB 1863)

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Support Bills in Legislature re HCDA

I support all of the bills, HB1860 through HB1867, introduced by Representative Scott Saiki and others since all contain some measure of restraint on the Hawaii Community Development Authority (HCDA). HCDA needs to be restrained and reconstituted or repealed because of excessive use of its power and authority to favor developers' interests over the well-being of the Kaka'ako community. My comments relate to the Kaka'ako mauka/makai area.

I support **HB1860** since it requires accountability and transparency in HCDA's actions; provides for contested case proceedings with judicial review, expanded public notice requirements, and legislative authority over amendments to mauka and makai area plans and rules; defines Kaka'ako community development policies; and requires comprehensive studies and plans for infrastructure capacity in the area plus a requirement to impose impact fees on developers.

I support **HB1861** since it reiterates and expands on much-needed provisions of HB1860.

I support **HB1862** since it addresses issues of "reserved housing" and "affordable housing" under Hawaii Revised Statutes that have not been properly defined or carried out by HCDA. It would require HCDA to implement affordable housing policies that are in greater conformity with those of the City and County of Honolulu.

I support **HB1863** since it provides for minimum horizontal separation of 300 feet between buildings that are more than 100 feet in height. (HCDA recently approved a developer's proposals at 801 South Street for buildings more than 100 feet in height to be immediately adjacent to each other, an egregious example of what HCDA is willing to do.) Since HCDA needs to be restrained, eliminating its budget for one year would be one way to do it.

I especially support **HB1864** since it repeals the authority of HCDA under Chapter 206E, Hawaii Revised Statutes, while providing for an orderly transition of duties and functions from HCDA to the City and County of Honolulu, and includes job protection with the State for current HCDA employees. A seamless transition over a one-year period to the City and County is a better option than trying to reform or reconstitute HCDA.

Kaka'ako has grown so much in population and is expected to grow more with projects already approved that it needs to be fully integrated with the larger Honolulu community under City and County auspices. Infrastructure in particular needs to be integrated, and the rail line with stations in Kaka'ako also points to needed integration.

I also especially support **HB1865** which places a one-year moratorium on HCDA approving any plans or proposals for development in the Kaka'ako community development district. A one-year moratorium would provide time for the legislature to consider the best long-term considerations for Kaka'ako, where developments already approved plus those under construction in many cases exceed the capabilities of infrastructure in the area.

I support **HB1866** since it provides for reconstituting HCDA with members to be appointed from lists of nominees received from the state legislature and other community entities rather than largely from the executive branch. An important feature of this bill is that HCDA's rule making and various operations would be subject to prior approval by the legislature.

I support **HB1867** for its amendments to Chapter 206E, Hawaii Revised Statutes: HCDA must require, prior to receipt of any application for a development permit, a project eligibility review of the development project, and shall obtain approval from applicable governmental agencies regarding the adequacy of infrastructure requirements. HCDA may not grant any variance, exemption, or modification to any provision of any rule or development plan relating to maximum floor area ratio. Limits on building heights and distance between buildings are also important.

Provisions of **HB1867** are important to have in addition to those of other major bills in the **HB1860's** list. If measures in this bill had been in effect, HCDA would not have been able to accept applications for several development projects they recently approved.

For example, HCDA accepted the developer's application for 801 South Street, Phase 2, without requiring the Traffic Impact Assessment Report (TIAR) requested by the City and County Department of Transportation Services. HCDA's website for the proposed development includes a July 2013 memorandum from a traffic management company in Honolulu that primarily describes street improvements and level of service on Kawaiahao Street, the Phase 1 side of the block, not useful for Phase 2. Since the Phase 1 garage now under construction has 915 parking stalls for 635 units in the residential tower, even though there's an alley connecting the two, the driveway to Kawaiahao will have its own traffic buildup, not useful for Phase 2 which exits to Kapiolani Boulevard. The memo's statement about level of service to Kapiolani is incorrect compared to McKinley High School's 2011 EIS traffic analysis. A trip generation summary is clearly inaccurate based on the 788 parking stalls planned for the Phase 2 garage.

HCDA should have rejected the developer's traffic memorandum as inaccurate and inadequate for the purpose for which it was submitted. As of today, in the first week in February 2014, the inaccurate traffic memorandum remains on HCDA's website and there is no TIAR as requested by Director Michael Formby of the Department of Transportation Services. HCDA ignored the City and County request and approved Phase 2 development without a TIAR.

Everyone who drives in and out of downtown Honolulu, especially the Capitol district, via Kapiolani, King Street or South Street should be concerned about the additional 1700 vehicles from the two units of 801 South that will be driving in and out of one block immediately back of the historic Advertiser/News building.

Another example of HCDA disregarding its own rules and government agency requirements is their failure to require the developer at 801 South Street, Phase 2, to submit their plans for the historic Advertiser/News building on the property to the State of Hawaii's Department of Land

and Natural Resources for review. A letter dated August 29, 2013 from an official in a division of that department to HCDA's executive director reminded HCDA of the requirement according to HCDA's 2011 Mauka Area Rules. According to the rules which apply to all historical or culturally significant properties, a written letter of concurrence from the State Historical Preservation Division (SHPD) shall be included with the permit application to HCDA, and all SHPD requirements shall be completed by the developer prior to submitting the application.

If HB1867 had been in effect at the time, HCDA would not have been able in September 2011, effective November 11, 2011, to write the one and one-half page subchapter on Workforce Housing Project(s) rules that was tacked onto the end of Kaka'ako Reserved Housing Rules in Title 15, Subtitle 4, Chapter 218. The subchapter says workforce housing project(s) shall receive a floor area bonus of one hundred percent (double density FAR), provided that such bonus floor area shall be used for workforce housing project(s) only. Being able to build up to a double density FAR is a large financial benefit for developers.

One of the criteria for determining that a project is a workforce housing project is when it does not require financial assistance for construction from Federal, State, or County governmental bodies. Claiming that 801 South Street was workforce housing, the developer applied for modification to build a free standing 107-foot high parking structure rather than a 65-foot high podium parking structure in order to be more cost effective. We do not understand why increased floor area density and construction modifications approved by HCDA are not considered financial assistance from a governmental body.

Another example of HCDA disregarding its own rules: Under 2005 Mauka Area rules on affordability criteria, one-half of a percentage point (0.5%) could be subtracted from six-months average interest rates on thirty year fixed rate mortgages. In 2011 Mauka Area rules the affordability criteria did not include subtraction of 0.5%. Yet in its August 2013 permit application for 801 South Street, the developer subtracted 1/2% from the six month average and HCDA accepted the application. Other factors not questioned by HCDA point to a project given benefits of a workforce housing project that may not actually meet the defined criteria.

A Star Advertiser article of August 22, 2012 said a developer (who was later the developer of 801 South Street) had a deal to buy the News Building property but hadn't completed a sale. The article also said HCDA executive director Anthony Ching had met with representatives of the developer about the project. The Kaka'ako community and others in Honolulu appreciate news reports of development projects; HCDA isn't likely to inform us. The 801 South Street project is one of many that need the attention of concerned citizens. In the meantime, I support HB1864 that repeals HCDA's authority and others that limit its authority.

Thank you for the opportunity to comment on proposed legislation.

Mary Caywood, geckoyard@hotmail.com

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 2:01 PM
To: waltestimony
Cc: surfandsea05@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lillian Nishimura	Individual	Support	Yes

Comments: I support this bill, HB 1861.

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From: Ron Iwami <ronald@kewalo.org>
Sent: Friday, February 07, 2014 3:55 PM
To: waltestimony
Subject: *****SPAM***** Testimony in support of HB 1860, HB1861, HB1866, HB 1867



House Committee on Water and Land, Rep. Cindy Evans, Chair

February 8, 2014 @8:30 am

Conference room 325, State Capitol

Testimony in support of HB 1860, HB1861, HB1866, HB1867

Aloha,

Friends of Kewalos is a non-profit community group dedicated to Protect, Preserve, and Malama Kewalo Basin Park and the surrounding Kaka‘ako shoreline area to ensure continued ocean access and the ability to enjoy the area for future generations to come.

We are deeply concerned about the irresponsible and unprecedented development that is occurring in Kaka‘ako today.

We must take the first steps to help HCDA improve the way they do business. First and foremost, they need to really listen to the People and really incorporate their input in their decision making and not just go “through the motions”. We need more community stakeholders as members of HCDA to create a better mix of representation instead of all business and government. HCDA needs to follow the rules and not exceed the 400 foot height limitation by allowing buildings 650 ft in height. They should keep the Mauka- Makai axis orientation to preserve our last remaining view planes. HCDA should make sure all the infrastructure needs are resolved to sustain the increased population such as increased traffic, schools, water and sewer needs. Case in point, the sewer stench is a reality in Kaka‘ako, yet HCDA continues to approve tower after tower. It would be disastrous if we had a similar sewage spill like the one that occurred in Waikiki. Imagine millions of gallons of raw sewage flowing into Kewalo Basin.

Friends of Kewalos feel these bills are a good first step in improving HCDA for the better which will result in a Kaka‘ako that is developed Smart and Responsibly for all the people of Hawaii.

Mahalo for this opportunity to testify and share our manao.

Ron Iwami
President, Friends of Kewalos



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committees on Water and Land
Saturday, February 8, 2014 at 8:30 A.M.
State Capitol - Conference Room 325**

**RE: ALL HOUSE BILLS ON COMMITTEE ON WATER AND LAND HEARING AGENDA FOR
SATURDAY, FEBRUARY 8, 2014 AT 8:30 A.M.**

Chair Evans and Vice Chair Lowen, and members of the committee:

The Chamber opposes H.B. No.s 1860, 1861, 1863, 1864, 1865, 1866, and 1867.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

We understand that the recent activities in Kakaako have brought attention to the manner in which HCDA oversees redevelopment activities in Kakaako. Consideration should be given to the fact that HCDA was originally established in 1976 to redevelop substantially undeveloped, blighted, or economically depressed areas that are or are potentially in need of renewal, renovation, or improvement to alleviate such conditions as dilapidation, deterioration, age, and other such factors or conditions which make such areas an economic or social liability.

The legislature also found that there exists within the State vast, unmet community development needs. These include, but are not limited to, a lack of suitable affordable housing; insufficient commercial and industrial facilities for rent; residential areas which do not have facilities necessary for basic live-ability, such as parks and open space; and areas which are planned for extensive land allocation to one, rather than mixed uses.

It is further determined that the lack of planning and coordination in such areas has given rise to these community development needs and that existing laws and public and private mechanisms have either proven incapable or inadequate to facilitate timely redevelopment and renewal.

Based on these pressing needs, the legislature created a new and comprehensive authority for community development to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development. The purpose of Chapter 206E HRS was to establish such a mechanism in the Hawaii community development authority, a public entity which shall determine community development programs and cooperate with private enterprise and the various components of federal, state, and county governments in bringing plans to fruition. For such areas designated as community development districts, the legislature believes that the planning and implementation



Chamber of Commerce HAWAII

The Voice of Business

program of the Hawaii community development authority will result in communities which serve the highest needs and aspirations of Hawaii's people.

After almost 40 years of public investment in infrastructure based on the planned redevelopment of the area, the market conditions are such that private developers are moving forward with a variety of projects in Kakaako. The plans to redevelop Kakaako and the public investment in infrastructure are being realized.

It would be unfortunate if the planned density and the return on investment in infrastructure are not fully realized in Kakaako by allowing full build out. It would also raise legitimate questions on the type of business climate the State is creating if investors and developers have no predictability or certainty when a state agency is overseeing redevelopment efforts. The Chamber does support reasonable increases in time allotments for public input should there be compelling evidence that the public does not have enough time to provide their input.

Thank you for the opportunity to express our views on this matter.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 5:06 PM
To: waltestimony
Cc: mango968@earthlink.net
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pam Metthe	Individual	Support	No

Comments: I have lived in Kaka'ako for 26 years. I support HB1861 because I believe that HCDA , if it continues to exist, needs to be more accountable, with more oversight by legislators. HCDA needs to become more informative and more responsive to the concerns of the neighborhood whose development it controls. Any person adversely affected by an HCDA decision should be able file for a contested case hearing. This is especially important since HCDA has recently granted variances to new developments which adversely affect surrounding communities. They broke their own rules. The plans of an individual developer should not supersede the the rights of the residents already living in Kaka'ako, nor should they impair the public's enjoyment of a community's aesthetic. I support a required maximum residential FAR of 3.5 and building height limit of 400 feet. The distance between buildings more than 100 feet tall should be a minimum of 300 feet. I would like to see this made retroactive to all projects that have not started construction. Developers of condos should be required to perform impact studies covering all aspects of infrastructure – utilities, traffic, schools, emergency services.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 07, 2014 5:17 PM
To: waltestimony
Cc: heather.nishimura@gmail.com
Subject: *Submitted testimony for HB1861 on Feb 8, 2014 08:30AM*

HB1861

Submitted on: 2/7/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Nishimura	Individual	Support	No

Comments:

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House Water and Land Committee
Chair Cindy Evans, Vice Chair Nicole Lowen

Saturday 02/08/14 at 08:30AM in Room 325
HB1861– Relating to Hawaii Community Development Authority

Testimony of Support
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Evans, Vice Chair Lowen, and members of the Committee:

Common Cause Hawaii supports HB1861, which amends procedures of the Hawaii Community Development Authority (HCDA) to require additional public notice and public input for development projects and rule changes, and establishes additional requirements for development projects before HCDA approval can be granted.

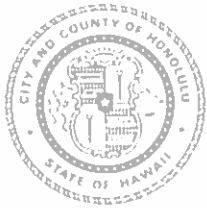
For over 40 years, Common Cause Hawaii has advocated for increased transparency and accountability in public entities and officials. This bill would improve the level of transparency and accountability that the HCDA has been lacking in the following ways:

- 1) The HCDA will be required to amend and adopt the community development plans only as authorized by the legislature.
- 2) Community engagement and public notices must be posted to the authority's website in a timely matter.
- 3) Upon receipt of any new development proposal, the authority shall notify the president of the senate, the speaker of the house and all members of the legislature and the appropriate city or county council members who represent the district in which the proposed project is to be located.
- 4) When rendering a decision, a public hearing must be held.

HCDA has not fulfilled its purpose; Development projects under HCDA have not complied with legislative goals or development plans. In many cases, these projects have still been permitted.

HB 1861 also specifies mandatory, statewide redevelopment policies and processes for urban areas to ensure that redevelopment projects serve all of Hawaii's residents -- particularly by providing sufficient affordable housing and needed community services, while minimizing real estate speculation. Common Cause Hawaii supports this attempt to add accountability to HCDA.

Thank you for the opportunity to testify in support of HB1861.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BRENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: **House Bill 1860**
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1860**, which proposes amendments to HCDA's public notice and project approval requirements, and also creates an appeal process for HCDA actions and decisions.

I firmly believe that for HCDA to successfully fulfill its public mission, it is essential to fully engage the public and area residents in its actions and decisions. This Bill is a step in the right direction, and will help to ensure the preferred level of public involvement.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Brene Harimoto". The signature is fluid and cursive, with a prominent flourish at the end.

Brene Harimoto
Councilmember, District VII



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BREENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: House Bill 1861
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1861**, which proposes amendments to HCDA's public notice and project approval requirements, and also creates an appeal process for HCDA actions and decisions.

I firmly believe that for HCDA to successfully fulfill its public mission, it is essential to fully engage the public and area residents in its actions and decisions. This Bill is a step in the right direction, and will help to ensure the preferred level of public involvement.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive, flowing style.

Breene Harimoto
Councilmember, District VII



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BREENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: **House Bill 1863**
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1863**, which establishes some minimum development standards in addition to eliminating its current operating budget.

The public purpose for HCDA to should be create a quality, affordable environment for Hawaii's residents, and not to simply maximize development density. The development standards included in this Bill will help force HCDA to meet that true public propose.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Breene Harimoto".

Breene Harimoto
Councilmember, District VII



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BREENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: **House Bill 1864**
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, I direct my testimony to **HB 1864**, which proposes to repeal the Hawaii Community Development Authority.

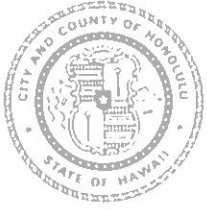
The initial mission of HCDA was to plan and facilitate the redevelopment of the Kakaako area of urban Honolulu. As all areas surrounding Kakaako are under the planning and development jurisdiction of the City & County of Honolulu, HCDA's efforts are essentially duplicative and grossly infringe on County home rule. The City is fully capable of planning and managing the development of the Kakaako area, and for that reason I support the intent of this Bill.

I encourage your favorable consideration of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Breene Harimoto", with a stylized flourish at the end.

Breene Harimoto
Councilmember, District VII



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BREENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: House Bill 1865
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, I direct my testimony to **HB 1865**, which proposes a one-year moratorium on the Hawaii Community Development Authority's approval of plans or projects in the Kakaako Community Development District.

Over the past two years, the HCDA has been approving massive development projects at breakneck speed. The impact of those approvals is only now becoming apparent. To assure that Kakaako truly becomes the quality community the public desires, I believe it fully appropriate to put a one-year (or more) pause on any new approvals to give time to assess the impact of previous approvals and re-evaluate HCDA's plans and direction for Kakaako.

I encourage your favorable consideration of this measure.

Sincerely,

A handwritten signature in black ink that reads "Breene Harimoto". The signature is written in a cursive style.

Breene Harimoto
Councilmember, District VII



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BREENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: **House Bill 1866**
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1866**, which proposes amendments to the manner in which members are appointed to the HCDA.

For all practical purposes, HCDA is a planning and development authority with sole control over a huge area in the middle of urban Honolulu. That area, however is neither an island nor a silo, it interfaces directly with urban areas on all sides where planning and development regulations are under the control of the City and County of Honolulu. To assure the proper and essential coordination and cooperation between HCDA and the City on matters of land use, transportation and basic public infrastructure, I strongly encourage this Committee to include the City's Director of the Department of Planning and Permitting as a designated voting member of the HCDA.

I firmly believe that including the City's planning director on the Authority will greatly enhance inter-jurisdictional coordination and cooperation, and result in improved planning and development within this greater part of Honolulu.

The Honorable Cindy Evans
February 8, 2014
Page 2

I thank you for your kind attention, and ask for your support of this proposed amendment to the composition and manner of appointment of members to the Hawaii Community Development Authority.

Sincerely,

A handwritten signature in black ink, appearing to read "Breene Harimoto". The signature is written in a cursive style with a horizontal line at the end.

Breene Harimoto
Councilmember, District VIII



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

BREENE HARIMOTO
Councilmember District VIII
Chair, Committee on Transportation
Telephone: (808) 768-5008
Email: bharimoto@honolulu.gov

February 8, 2014

The Honorable Cindy Evans, Chair
Committee on Water & Land
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: **House Bill 1867**
Relating to the Hawaii Community Development Authority

Dear Chair Evans and members of the Committee on Water and Land:

As evident by the number and scope of bills introduced by legislators this session, it is abundantly clear that both the public and our elected officials have serious concerns regarding the policies, actions and operations of the Hawaii Community Development Authority. As such, I support the intent of all Bills on your agenda that would create more accountability, oversight, and transparency with respect to the operations and actions of HCDA.

At this time, however, I direct my testimony to **HB 1867**, which establishes certain building restrictions and prohibitions.

The public purpose for HCDA should be to create a quality, affordable environment for Hawaii's residents, and not to simply maximize development density. The development restrictions and prohibitions included in this Bill will help HCDA to meet that true public propose.

I encourage your support of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Breene Harimoto". The signature is written in a cursive style with a prominent flourish at the end.

Breene Harimoto
Councilmember, District VII

Honorable Representative Cindy Evans, Chair
Honorable Representative Nicole E. Lowen, Vice Chair
Honorable Members of the Committee on Water & Land

Re: HB 1861 – **In Strong Support** of HB relating to Hawaii Community Development Authority (HCDA) requiring additional public notice and public input for Development projects and rule changes. It also requires additional requirements before HCDA can approve projects and creates an appeal process for HCDA actions and decisions

Good Morning Chair Evans, Vice Chair Lowen and Members of the Committee on Water & Land:

I am Daisy Murai of Kapahulu and **Strongly support** HB 1861 for these reasons that HCDA needs to be held accountable and transparent to the General Public:

- 1) The General Public, especially those that live and work in the areas that these Development Projects would impact, were not adequately notified, such as giving the Public much notice, not enough time to look over the plans to be presented for approval to HCDA Board members, HCDA does not have these plans online to review. The agenda of the Public Hearing notices are online, but very little about the actual project is available.
- 2) HCDA does make public comments to projects available on their web site, but very little information is known by the General Public, such as the Infrastructure, Traffic Study reports, and other studies impacting the surrounding areas of the project or the project itself.
- 3) HCDA allows the Developers and Property Owners variances to their projects before a careful impact study is done, Community and General Public concerns are not even taken into consideration such as parts of Kakaako is zoned for 400 feet maximum.

These are some of the reasons, why I **strongly support** HB 1861 for additional requirements of notifying the General Public and allowing for more interactions with Community Concerns before Rubber Stamping projects in Kakaako. The General Public knows about these projects when the News Media reports, which means the project is very close to being approved by HCDA in the Kakaako and other areas, they oversee.

Thank you for the opportunity to speak.

Daisy Murai, member of the General Public
3039 Kaunaoa Street
Dated: February 7, 2014

Date of Hearing: February 8, 2014, Saturday
Time of Hearing: 8:30 am
Place of Hearing: Conference Room 325

Mr. Pete Holt
1200 Queen Emma St.
Honolulu, HI 96813
2-7-2014

Chairwoman Evans
Chair, Water & Land Committee
State Capitol
Honolulu, HI 96813

Hearing Date: Saturday, 2-8-2014

Referring to House Bills 1860, 1861 & 1863

Chairwoman Evans:

The recent bills filed to abolish the HCDA, defund it, change it, change how it works, and change how members of the board are selected will only accomplish one thing; stop the momentum of growth and positive change in Kaka'ako. This coupled with the fact that those clamoring for the change live in high-rises that either were made possible by the HCDA or exceed the changes that some are calling for, brings their motives into question. This is wrong and when it influences policy for Honolulu it is bad. If you go down to Cooke St. you can see the success stories of small local businesses, non-profits, art incubators, and new housing for the elderly, young professionals, and housing for teachers and the people who keep Honolulu safe. This is why the HCDA was created and it is why it should continue.

I thank you for your support and I respectfully urge you and your colleagues to oppose these bills.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pete Holt', with a stylized flourish at the end.

Mr. Pete Holt
MD & Downtown Honolulu Resident

To Representative Cindy Evans
Chair, Water & Land Committee
State Capitol
Honolulu, HI 96813

Saturday, February 8, 2014, 8:30 A.M.

I am writing in opposition to House Bills 1860, 1861, 1863, 1864, 1865, and 1866.

In one way or another these bills seek to modify or eliminate the way that the Hawaii Community Development Authority operates or provides services to the public. I believe that making any changes at this point in time to the authority would slow the opportunity for people to own homes or condominiums in Kakaako at a time when housing is sorely needed. As someone who is employed in the area I can tell you that this kind of option is really needed.

I would jump at the chance to own a high or low-rise condominium home in the Kakaako district. I think the district will prove its worth time-and-time again as families and people like myself actively seek to find more affordable housing in an urban setting that will be closer to work and other amenities like cafes, parks, lofts, stores, and high-rises with affordable and other housing options.

Thank you for the opportunity to offer these comments.



Shantise Eliasson
726 Menehune Lane
Honolulu, HI 96826

To Representative Cindy Evans
Chair, Water & Land Committee
State Capitol
Honolulu, HI 96813

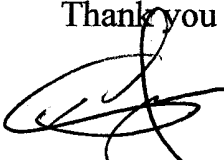
Saturday, February 8, 2014, 8:30 A.M.

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Thank you for the opportunity to offer these comments.



Sergio Tejada
624 South St #102
Hon., HI 96813

To Representative Cindy Evans
Chair, Water & Land Committee
State Capitol
Honolulu, HI 96813

Saturday, February 8, 2014, 8:30 A.M.


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Thank you for the opportunity to offer these comments.

Jeffrey Santos
183 Kuulei Road
Kailua, HI 96734



To Representative Cindy Evans
Chair, Water & Land Committee
State Capitol
Honolulu, HI 96813

Saturday, February 8, 2014, 8:30 A.M.

I am writing in opposition to House Bills 1860, 1861, 1863, 1864, 1865, and 1866.

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Thank you for the opportunity to offer these comments.



Catherine Paredes

1602 Tinker Ave

Honolulu, HI 96818

To Representative Cindy Evans
Chair, Water & Land Committee
State Capitol
Honolulu, HI 96813

Saturday, February 8, 2014, 8:30 A.M.

I am writing in opposition to House Bills 1860, 1861, 1863, 1864, 1865, and 1866.

In one way or another these bills seek to modify or eliminate the way that the Hawaii Community Development Authority operates or provides services to the public. I believe that making any changes at this point in time to the authority would slow the opportunity for people to own homes or condominiums in Kakaako at a time when housing is sorely needed. As someone who is employed in the area I can tell you that this kind of option is really needed.

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Thank you for the opportunity to offer these comments.

Shantelle Alcaide

SHANTELE ALCAIDE

91-1067 HANALUA ST.

ENA BEACH, HI 96706

Downtown Capital LLC
215 N. King Street, Suite 1000
Honolulu, Hawaii 96817
Phone (808) 526-2027 Fax (808) 526-2066

Testimony of Ryan Harada
Downtown Capital LLC

House Committee on Water & Land
Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair

HB 1860, 1861, 1863, 1864, 1865, 1866, & 1867 Relating to the Hawaii Community
Development Authority
Saturday, February 8, 2014, 8:30 a.m., Conference Room 325

Dear Chair Evans, Vice Chair Lowen, and Members of the Committee

My name is Ryan Harada. I represent Downtown Capital LLC, the Developer of the 801 South St condominium project located on Kapiolani Blvd. & South Street. Our Project:

- Provides housing for middle-income Hawaii residents;
- Generates local jobs – 350 construction workers and business for 50 companies that design, supply, and manufacturer materials
- Creates a workforce community because 801 South St will be occupied by full-time, Hawaii residents

To be clear, if similar Bills were passed two years ago, there would be no 801 South St, and 1,000+ families would not have the opportunity to live in a new condominium in Kakaako. Accordingly, we oppose any Bill that:

- Creates excessive legislative oversight of HCDA, thereby defeating its purpose as a Redevelopment Authority;
- Limits density to 3.5 – without a density bonus, Developers will only build higher-margin luxury projects, or ones subsidized by the Government and taxpayers;
- Repeals HCDA, eliminates its operating budget, or imposes a 1-year moratorium on any approval – this would effectively stop all construction in Kakaako

The last 100% for-sale affordable project built in Kakaako was 1133 Waimanu in 1996. After years of public input, HCDA amended its Rules in 2011 that facilitates construction of workforce housing. After overwhelming Buyer interest, Phase 1 of 801 South St commenced construction in 2013. I urge this Committee not to undermine HCDA's efforts to increase housing for middle-income Hawaii residents.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 4:17 PM
To: waltestimony
Cc: mat676@aol.com
Subject: *Submitted testimony for HB1860 on Feb 8, 2014 08:30AM*

HB1860

Submitted on: 2/8/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Romero	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Hawai'i Construction Alliance

P.O. Box 179441
Honolulu, HI 96817
(808) 348-8885

February 7, 2014

The Honorable Cindy Evans, Chair
The Honorable Nicole E. Lowen, Vice Chair
and Members
Committee on Water and Land
Hawai'i State House of Representatives
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Opposition to HB1861.

Dear Chair Evans, Vice Chair Lowen, and members of the committee:

The Hawai'i Construction Alliance is opposed to HB1861, which seeks to amend procedures of the HCDA to require additional public notice and public input for development projects and rule changes, establish additional requirements for development projects before HCDA approval can be granted, and create an appeal process for HCDA actions and decisions.

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the four member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

The four unions of the Hawai'i Construction Alliance have been strong advocates for the development of a vibrant, mixed-use community in Kaka'ako. Over the next several years, Kaka'ako will grow to include housing that local residents can afford, support good-paying jobs, and host amenities for the general public to enjoy. Hundreds of our members are currently at work on projects within the Kaka'ako area, and we are proud to be a part of the transformation of Kaka'ako into a place where people can live, work, play, and raise families.

In order for Kaka'ako to proceed with responsible growth, stakeholders must feel confident in the public hearing process, a goal which we philosophically support. We defer to the agency on matters relating to accepting additional public testimony, responding orally to all concerns raised by the public, and explaining in detail the merits or drawbacks of proposed modifications. From a larger perspective, we would also question whether the expectation of an on-the-spot oral response is appropriate for a public meeting involving technical urban planning matters.

We are extremely concerned with several of the other onerous provisions contained within HB1861, as they may make it very difficult, if not impossible, to proceed with the goal of transforming Kaka‘ako into a place where the next generation of local residents can live, work, play, and raise families.

For example, the provisions calling for contested case hearings for any person “adversely affected” (a term for which no definition is provided) and for the legislature to approve amendments to area plans introduce arbitrary legislative and judicial roadblocks to the process of creating a vibrant community in Kaka‘ako.

Additionally, the provisions limiting maximum floor area ratio may slow the delivery of affordable workforce housing, as height and floor area are a factor that contribute to cost per housing unit.

We are also concerned about the provision which permanently restricts building height to 400’, as many of the already-permitted buildings include 18’ of necessary mechanical apparatuses on their rooftops. A sudden change in height regulations may lead to uncertainty on whether these current projects are allowed to proceed. Furthermore, at some point in the future, taller buildings may be found necessary or desirable by urban planners and other stakeholders, considering that we do live on an island with limited space.

Finally, we are concerned with the provision of the bill which calls for comprehensive studies of and plans for infrastructure capacity and other requirements. Duplicative studies may delay needed projects without adding substantial information to the decision-making process.

Thank you for the opportunity to provide these comments in opposition to HB1861.

Mahalo,

A handwritten signature in black ink that reads "Tyler Dos Santos-Tam". The signature is written in a cursive, flowing style.

Tyler Dos Santos-Tam
Executive Director
Hawai‘i Construction Alliance
execdir@hawaiiconstructionalliance.org



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL 368



PETER A. GANABAN
*Business Manager/
Secretary-Treasurer*

ALFONSO OLIVER
President

JOBY NORTH II
Vice President

TONI FIGUEROA
Recording Secretary

THOMAS CATHCART
Executive Board

JAMES DRUMGOLD JR.
Executive Board

LEIMOMI JOHNSON
Executive Board

MARK MAGUSARA
Auditor

MARK TRAVALINO
Auditor

JOSEPH YAW
Auditor

LEUMA L. LEATUMAUGA
Sergeant-At-Arms

February 7, 2014

Honorable Cindy Evans, Chair
Honorable Nicole Lowen, Vice Chair
Members of the Committee on Water & Land

RE: HB1861 Relating to Hawaii Community Development Authority

Dear Chair Evans, Vice Chair Lowen and members of the Committee:

The Hawaii Laborers' Union opposes HB1861. The bill proposes to establish contested case hearings, a judicial review process, public notice requirements and community engagement. It also sets density (FAR) at a maximum of 3.5 and building heights to not exceed 400 feet.

As far as engaging and notifying the public, HCDA already conducts this process. A readily available and updated listing of both property owners and residences for any of the development projects in Kakaako do not exist; property owners and residents are not necessarily the same. The current practice is to advertise in a newspaper of state wide circulation including notices to the district Association of Apartment Owners (AOAO) and state and county area legislators are sent notices in the mail.

The current FAR is 4.0; HB1861 will cap it at 3.5. a lower standard that otherwise prevails throughout the city. The building height of up to 400 feet by the amendments in the bill and the FAR cap will stifle interest in developing residential units in Kakaako. Honolulu needs more residential units not less.

We respectfully defer to the HCDA to respond to questions on contested case hearings.

Thank you for the opportunity to submit this testimony.

Sincerely,

Al Lardizabal,
Government Relations



HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST
1617 Palama Street · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: hilecet.org

**TESTIMONY OF HAWAII LECET
CLYDE T. HAYASHI - DIRECTOR**

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair
Rep. Nicole E. Lowen, Vice Chair

NOTICE OF HEARING

DATE: Saturday, February 08, 2014
TIME: 8:30am
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

**TESTIMONY ON HOUSE BILL NO. 1861, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT
AUTHORITY.**

TO THE HONORABLE CINDY EVANS, CHAIR, NICOLE LOWEN, VICE CHAIR, AND MEMBERS OF
THE COMMITTEE:

My name is Clyde T. Hayashi, and I am the Director of Hawaii LECET. Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its unionized contractors.

Thank you for the opportunity to testify in **opposition** to House Bill No. 1861, which amends procedures of the HCDA to require additional public notice and public input for development projects and rule changes, establishes additional requirements for development projects before HCDA approval can be granted, and creates an appeal process for HCDA actions and decisions.

We believe that this bill as currently written is ambiguous and sets standards impossible to meet without first establishing specific and objective performance standards. For example, this bill requires residential development to provide necessary and adequate community facilities with no definition as to what "adequate" constitutes.

In addition, HB 1861 seeks to cap density at 3.5. Currently, Honolulu City and County standards for BMX or business mixed use density are at 4.0. This bill would set a lower standard than otherwise prevails throughout the city. It should be noted that City and County BMX allows for density bonuses in order to preserve open space and to support private development of reserved housing, one of the most important priorities for the State, City and residents of this area. For these reasons we **oppose** House Bill 1861.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 1:42 AM
To: waltestimony
Cc: michelematsuo@yahoo.com
Subject: Submitted testimony for HB1861 on Feb 8, 2014 08:30AM

HB1861

Submitted on: 2/8/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
michele matsuo	Individual	Support	No

Comments: I generally support hb 1861, however favor maximum FAR of 1.5, and height limits of no more than 300 feet tall, with a minimum of 300 feet between buildings 100 feet or taller. All buyers of condos approved by HCDA but not yet given their certificate of occupancy, and any company providing financing for such condos, should be given and be required to sign off on a mandatory copy of SOEST-developed and NOAA maps showing the likely flooding projected in this century, for the Kakaako and Downtown areas prior to purchase. That sign off should include language that the buyer and the company providing the financing understands that the unit purchased is likely located in a flood plain and/or flood prone area, and indemnifies and holds harmless the government for insufficient ingress and egress to the condo building, prior to the sale of the condominium becoming binding and prior to the developer having access to any funds from the sale or financing of such improvements. Further, that the developer and lessees of any project proposed before the HCDA be required at its own expense to provide educational briefings on each island, in each ahupuaa, disclosing the potential liability to governments and taxpayers which may arise from constructing or receiving leases in the areas HCDA controls, and showing SOEST-developed and NOAA maps of projected flooding in the areas. The developers and lessees should also determine and disclose at such briefings, any harm which may be done to the aquifer(s) and fresh water supplies of the island, by puncturing the karst crust, and show how such potential harm will be fully mitigated.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 3:54 AM
To: waltestimony
Cc: icuryy2c@gmail.com
Subject: Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

HB1864

Submitted on: 2/8/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
C. Willson	Individual	Support	No

Comments: As a 25-year Kaka'ako resident, I SUPPORT all legislation to abolish the HCDA. HCDA is a rogue agency. It has been incompetent in supporting and administering compliance with the State plan, conformance with County Standards, producing a traffic plan with adequate solutions, addressing the inadequate ground elevation to keep the area dry under forecast sea level rise, and in addressing community concerns. This agency must be ELMINATED in the name of good government. There is a formal process for development on O'ahu, and we expect compliance with County standards, without the State – or the moneyed interests – subsuming County controls. I have read the EIS for the Mauka Area Plan for Kaka'ako, and current sea level rise information from NOAA, SOEST, and other current authorities has not considered at all, and it appears the agency is intent on forcing its Faustian, high density, “pave paradise” agenda on the County, even where contrary to County standards. This MUST be stopped. The power grab to eliminate County oversight has the appearance of gross impropriety at best, and wholesale corruption at worst. While abolishing HCDA is the proper remedy, I also support HB1860, HB1861, HB1863, HB1865, HB1866, and HB1867 to curb HCDA actions so I also support those bills in case it cannot be completely abolished in this session. I would appreciate it if this testimony could also be included for those bills. Thank you for supporting County oversight over ALL Oahu development.

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Testimony of Glenn Ida
Representing
The Plumbers and Fitters United Association, Local 675
1109 Bethel St. Lower Level
Honolulu, Hi. 96813

Committee on Water and Land
Rep. Cindy Evans, Chair
Rep. Nicole Lowen, Vice-Chair
Saturday, 2-8-2014
8:30 AM, Room 325

Re: Opposition of HB1861, Relating to the Hawaii Community Development Authority.

Aloha Chair Evans, Vice-Chair Lowen and Members of the Committee,

My name is Glenn Ida representing the 2000 active members and retirees of the Plumbers and Fitters UA, Local 675. Local 675 is an affiliate of the Hawaii Building and Construction Trades Council.

Local 675 opposes HB1861, which amends the HCDA public notice and public input for development projects and rule changes. Establishes additional requirements for development projects before HCDA approval can be granted. Creates an administrative appeal process for HCDA decisions or actions.

Once again trying to force more burdens to the decision making and project approval process.

Local 675 opposes HB1861.

Thank you for this opportunity to testify.

Mahalo,
Glenn Ida
808-295-1280

I support HB 1861 because...

1. If a person is adversely affected by a decision made by HCDA, he/she should be allowed to request a hearing to contest the decision.
2. HCDA should be more transparent and responsive to community concerns.
3. HCDA should be made more accountable with more oversight by legislators. It should not be allowed to change building rules without legislative authorization. This bill will provide state legislators with more notice and more information about proposed projects.
4. Developers of condos should be required to perform impact studies to evaluate sewers, roads, utilities including water and electricity, schools, parks, and other infrastructure requirements needed for the additional number of residents.
5. Buildings in Kakaako should have stricter limits on height and density, similar to the City & County of Honolulu standards to keep the beauty of public vistas of the last remaining shoreline of urban Honolulu.
6. I would also recommend a minimum horizontal separation of 300 feet between each building that is more than 100 feet in height.

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 08, 2014 10:27 AM
To: waltestimony
Cc: management@hawaiishoppingcenter.com
Subject: Submitted testimony for HB1864 on Feb 8, 2014 08:30AM

HB1864

Submitted on: 2/8/2014

Testimony for WAL on Feb 8, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rachelle Nobriga	Individual	Support	No

Comments: Very Much in favor/support of the ABOLISHment of the HCDA as soon as possible... and.. all decisions made by HCDA in last five (5) years be reviewed. IN FAVOR/SUPPORT OF: HB-1860 HB-1861 HB-1862 HB-1863 HB-1864 HB-1865 HB-1866 HB-1867 PLEASE DO ALL POSSIBLE TO ABOLISH THE HCDA. Very much in Favor of HB-1864... PLEASE PASS HB-1864... that would solve all problems... start fresh with redevelopment plans.. Thank You, Rachelle Nobriga POBBox 61769 Honolulu, Hawaii 96839 email: management@hawaiishoppingcenter.com

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: Chair Cindy Evans
Vice-Chair Nicole E. Lowen
House Committee on Water and Land

From: Esther Kwon Arinaga
725 Kapiolani Boulevard, #1701
Honolulu, Hawaii 96813
(808) 591-6662
eliffes@aol.com

Hearing Date and Time 02-08-14 8:30 a.m.

Place: Conference Room 325

RE: HB 1861 – STRONGSUPPORT

Senator Cindy Evans and Members of the Water & Land Committee:

I strongly **support passage of House Bill 1861**. I have lived in Kaka'ako for the past eight years. In addition for nearly three decades I have followed community plans to develop Kaka'ako. During the past eleven months I attended hearings and other public meetings related to the approval of particular condominium development projects by the Hawaii Community Development Authority (HCDA). It is from this experience that I submit the following comments in support of HB 1861.

At its inception the HCDA was envisioned as the agency that would responsibly develop a well-planned community. Kaka'ako was to become a virtual urban village, with a mix of young and old, workers and retirees, lots of green open spaces, low and high rise buildings, places for people to walk, shop and play. Early plans focused on high density but stressed "a low building profile." HCDA's articulated goal was to balance the ideals of an urban village with that of being responsible stewards of the land. As HCDA's Executive Director Tony Ching said in a **Honolulu Weekly** interview, "We want to build a community . . . not just build buildings."

Sadly, in the past year this vision of Kaka'ako as an ideal planned community has evaporated. **The HCDA has run amok**. It has abandoned its goal to build a community and instead is approving the building of towering condominiums with little or no concern as to adequate infrastructure, sufficient spacing between buildings, height limits, parking, and more. There is insufficient oversight of the HCDA – its Executive Director and its nine-member Board. HCDA does not follow established rules or allows modifications and variances to these rules without adequate standards or procedures being applied. Until a public outcry arose in 2013 the HCDA was insensitive to public input, testimony, and comments.

Rep, Cindy Evan
HB 1861
Page Two

For the past year it is the residents of Kaka'ako who have worked valiantly to restore the vision of Kaka'ako and to call attention to the failure of the HCDA to work in the public's best interest. It is now imperative that legislative action be taken to examine closely the HCDA, its policies, rules and procedures, and its standards for granting approval to projects, The Authority also needs to be made more aware and cognizant and respectful of the public's concerns.

The entire operation of the HCDA - its policies, rules, and decision-making process, and its structure - needs to be overhauled.

I urge members of the Water and Land Committee to restore the public's vision of Kaka'ako as a well-planned community. It's not too late.

lowen2-Lanaly

From: GlennShiroma@hawaiiantel.net
Sent: Friday, February 07, 2014 2:52 PM
To: lowen2-Lanaly
Subject: Fwd: Testimony before House Water and Land Committee on 02-08-14 (Hawaii Community Development Authority)
Attachments: 0402 S Memo 12-11 Shiroma re Adequacy of Agenda.PDF

Part II of II

----- Original Message -----

Subject: Testimony before House Water and Land Committee on 02-08-14 (Hawaii Community Development Authority)

Date: Fri, 07 Feb 2014 14:20:07 -1000

From: GlennShiroma@hawaiiantel.net

To: House Water & Land Committee Testimony <WALTestimony@capitol.hawaii.gov>

CC: Anthony Ching (Hawaii Community Development Authority, Executive Director) <Tony@hcdaweb.org>, Lori Tanigawa (HCDA, Deputy AG - 8396) <lori.n.tanigawa@hawaii.gov>, Randy Grune (DOT Harbors, Deputy Director 12/31/2014) <Randy.Grune@hawaii.gov>, Luis Salaveria <luis.p.salaveria@hawaii.gov>, Richard Lim (DBEDT Director 12/31/2014) <richard.lim@dbedt.hawaii.gov>, Bruce Coppa, (Governor's Chief of Staff - 12/31/2014) <Bruce.Coppa@hawaii.gov>

Aloha Rep. Cindy Evans, WAL Chair and Nicole Lowen, WAL Vice Chair and Members of WAL..

Testimony in STRONG SUPPORT for the following: **HB1860** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1861** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1863** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1865** RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1866** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY; **HB1867** RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT.

Testimony in VERY STRONG SUPPORT for **HB1864** RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY (Repeals the Hawaii Community Development Authority).

Hawaii Community Development Authority has REPEATEDLY VIOLATED Hawaii Revised Statutes, Chapter 92, Public Agency Meetings and Records, Section §92-7 Notice. (a) The board shall give written public notice of any regular, special, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time, and place of the meeting, and in the case of an executive meeting the purpose shall be stated. The means specified by this section shall be the only means required for giving notice under this part notwithstanding any law to the contrary.

See attached file, HDCA Agendas 08,2013 to 02,2014 where Hawaii Community Development Authority

repeatedly agendas contained the following "Report of the Executive Director."

Any of substantive discussion that is not specific on the HCDA agenda is a violation of Hawaii Sunshine Law. Please review the HCDA minutes by following the link:

<http://dbedt.hawaii.gov/hcda/events/minutes/>

Office of Information Practices in attached file 0402 S Memo 12-11 Shiroma re Adequacy of Agenda issued an Memorandum of Opinion on April 02, 2012 on "'ADMINISTRATIVE OTHER BUSINESS" which did not contain specific agenda item on the DLNR, Commission on Water Resources agenda.

Thank you for this opportunity to testify.

Glenn Shiroma

----- Original Message -----

Subject:Hearing Notice HEARING_WAL_02-08-14_ - HI State Legislature

Date:Tue, 28 Jan 2014 15:10:05 -1000

From:<mailinglist@capitol.hawaii.gov>

To:<mailinglist@capitol.hawaii.gov>

These measures have been added to the hearing notice: HB1860, HB1861, HB1863, HB1864, HB1865, HB1866, HB1867

You may view the hearing notice here:

http://www.capitol.hawaii.gov/session2014/hearingnotices/HEARING_WAL_02-08-14_.HTM

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The Adobe (PDF) version of the Hearing Notice may be available, in addition to the usual text version. Please check the website at:

<http://www.capitol.hawaii.gov>

Please use cut and paste if your email reader wraps or breaks the above URLs.